Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Conrad Odom
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
December 21, 2004

A meeting of the Fayetteville City Council will be held on December 21, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

City Council Special Resolution Recognizing the Fayetteville High School Student Council: APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 207-04.

Nominating Committee Report:

Board Appointments by the Mayor: **Library Board:** **Daniel Ferritor**

Board of Health: **Dr. Anthony Hui**
Dr. David Crittenden
Don Moore
Jim Huffman
Rick Johnson

A. CONSENT:

1. **Approval of the Minutes:** Approval of the December 7, 2004 City Council meeting minutes.

   THIS ITEM WAS REMOVED FROM AGENDA.

2. **Drug Interdiction Grant**: A resolution authorizing the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00 to support Drug Interdiction Operations; and approving a budget adjustment recognizing the grant revenues.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 208-04.

3. **Andritz, Inc. Agreement:** A resolution to approve an agreement with Andritz, Inc. to lock in pricing of $672,157.00 for three belt filter presses by paying a security deposit of $33,607.85.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 209-04

4. **TIF Bond Reimbursement:** A resolution expressing the intent of the City of Fayetteville, Arkansas to reimburse certain expenditures of the City pertaining to financing, planning, acquisition and demolition in connection with the Highway 71 East Square Redevelopment District project with the proceeds of an issue or issues of tax-exempt bonds; and stating other matters pertaining thereto.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 210-04.

5. **Crews and Associates Bond Underwriter for TIF Bonds:** A resolution accepting Crews and Associates as Bond Underwriter for any Tax Increment Financing Bonds issued through December 31, 2005.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 211-04.

6. **Community Access Television, Inc. Contract:** A resolution to approve a contract with Community Access Television, Inc. to operate the Public Access Cable Channel throughout 2005 for $93,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 212-04.

7. **LEECO Fire Equipment Fire Apparatus Purchase:** A resolution approving the purchase of one (1) Emergency One, Inc. (E-One) replacement pumper apparatus form LEECO, Inc. in the amount of $371,985.00; and approving a budget adjustment in the amount of $278,985.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 213-04.

8. **Meadows Enterprise, Inc. Land Swap**: A resolution to approve a deed from the City of Fayetteville to Meadows Enterprises, Inc. for 1.95 acres to swap for similar acreage to enlarge a nearby city park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 214-04

B. UNFINISHED BUSINESS

1. **2005 Proposed Annual Budget and Work Program Adoption:** A resolution adopting the proposed 2005 Annual Budget and Work Program. ***This resolution was tabled at the***

November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting. This resolution was tabled at the December 7, 2004 City Council meeting until the December 21, 2004 City Council meeting.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 215-04

C. NEW BUSINESS:

1. **Amend Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines**: An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines of the Code of Fayetteville.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4661.

2. **Sensus Metering Systems Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of ten (10) hand-held touch-read meter reading devices with communication accessories from Sensus Metering Systems for the Meter Operations Division in the amount of $41,062.50.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4654.

3. **University of Arkansas Consulting Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a master contract with the Board of Trustees of the University of Arkansas to provide the City of Fayetteville with specific consulting and study services.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4655.

4. **ANX 04-1222 (Doris Roberts):** An ordinance annexing that property described in annexation petition ANX 04-1222 annexing to the City of Fayetteville, Arkansas, certain property owned by Doris Faye Roberts located at the south end of Roberts Road containing approximately 47.13 acres.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4656.

5. **RZN 04-1280 (Doris Roberts):** An ordinance rezoning that property described in rezoning petition RZN 04-1280 for property located on Roberts Road south of Highway 16 East containing approximately 47.13 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4657.

6. **VAC 04-1255 (Hanks):** An ordinance approving VAC 04-1255 submitted by Tim Maddox for property located on the east side of 2553 Ferguson Avenue as described on the attached map and legal description.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4658.

7. **VAC 04-1279 (Pearson):** An ordinance approving VAC 04-1279 submitted by Wyma & C.T. Pearson for an alley located at Block 3, Rosehill Addition as described on the attached map and legal description.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4659.

8. **ADM 04-1303 Amend Chapter 166.04 Street Standards:** An ordinance amending Title XV: §166.04, Unified Development Code, of the Fayetteville Code of Ordnances, to require city street standards for the subdivisions within one (1) mile of the city limits.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4660.

D. PUBLIC HEARINGS:

1. **Dynasty Limousine; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 216-04.

E. INFORMATIONAL:

Council Tour: No Tour

Meeting adjourned at 8:40 p.m.

City Council Meeting December 21, 2004

8:40 PM

Subject:	Roll				
Motion To:					
Motion By:					
Seconded:					
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody	✓			

Subject:	Nominating Committee Report				
Motion To:					
Motion By:		Jordan			
Seconded:		Lucas			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

Passed

8-0

City Council Meeting December 21, 2004

Subject:		Student Council Resolution			
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Jordan			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

passed

8-0

207-04

Subject:		Consent			
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Reynolds			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

passed

Minutes were removed

8-0 208-04 to 214-04

City Council Meeting December 21, 2004

Subject:	2005 Proposed Annual Budget				
Motion To:					
Motion By:		Rhoads			
Seconded:		Odom			
	Thiel	✓			
	Cook	N			
	Marr	N			
	Rhoads	✓			
	Odom	✓			
	Lucas	N			
	Jordan	N			
	Reynolds	N			
	Mayor Coody				

B.1.

Unfinished

failed

3-5

Subject:	2005 Proposed Amend Budget			
Motion To:		Motion to Reconsider.		Motion to Re-Consider
Motion By:		Lucas		
Seconded:		Jordan		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	✓		
	Odom	✓		
	Lucas	✓		
	Jordan	✓		
	Reynolds	✓		
	Mayor Coody			

B.1.

Motion to re-Consider passed.

passed

8-0

City Council Meeting December 21, 2004

Subject:	2005 Proposed Budget			
Motion To:	Amend Budget			
Motion By:	Marr		Amend Budget	
Seconded:	~~Lucas~~ Reynolds		to add 6 officers	
Thiel	N		to the police department	
Cook	✓		[redacted]	
Marr	✓		$392,208.00	
Rhoads	N			
Odom	N			
Lucas	✓			
Jordan	✓			
Reynolds	✓			
Mayor Coody				

B.I.
Passed
5-3

Subject:	2005 Proposed Budget			
Motion To:	Take $392,208.00		from all Other	
Motion By:	Rhoads	Departments budget	Take $392,208.00	
Seconded:	NO Second		from all Other	
Thiel			Departments	
Cook			budget.	
Marr				
Rhoads				
Odom				
Lucas				
Jordan				
Reynolds				
Mayor Coody				

B.I.
No
Second
Died
for lack
of a
Second

City Council Meeting December 21, 2004

Subject:		2005 Budget			
Motion To:		Pass as Amended.			
Motion By:		Reynolds			
Seconded:		Thiel			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	N			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

B.I.

passed

7-1

215-04

Subject:		Amend Title XI: Chapter 117			
Motion To:		Amend	Ordinance		117.37
Motion By:		Reynolds			
Seconded:		Lucas			117.37
	Thiel	✓			Drivers
	Cook	✓			Permit required
	Marr	✓			COR license
	Rhoads	✓			required
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

C.I.

passed

8-0

to

Amend

City Council Meeting December 21, 2004

Subject:		Amend Chapter 117			
Motion To:		2nd read	3rd read	Approved	
Motion By:		Reynolds	Reynolds		
Seconded:		Thiel	Jordan		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Odom	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Mayor Coody				

C.I.

Subject:		Amend Chapter 117			
Motion To:		Amend to remove		Self-insurance clause	
Motion By:		Odom			Self
Seconded:		Reynolds			Jordan
	Thiel	✓			Clause
	Cook	✓			remove
	Marr	N			
	Rhoads	N			Remove
	Odom	✓			Sub-Section
	Lucas	✓			B
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

C.I.

6-2

passed

City Council Meeting December 21, 2004

Subject:	Amend Chapter 117			
Motion To:		Pass As Amended		
Motion By:				
Seconded:				
Thiel	✓			
Cook	✓			
Marr	✓			
Rhoads	✓			
Odom	✓			
Lucas	✓			
Jordan	✓			
Reynolds	✓			
Mayor Coody				

C.1. New Business Passed 8-0 4661

Subject:	Sensus Metering Systems Bid Waiver			
Motion To:	2nd read	3rd read	Pass	
Motion By:	Jordan	Jordan		
Seconded:	Lucas	Cook		
Thiel	✓	✓	✓	
Cook	✓	✓	✓	
Marr	✓	✓	✓	
Rhoads	✓	✓	✓	
Odom	✓	✓	✓	
Lucas	✓	✓	✓	
Jordan	✓	✓	✓	
Reynolds	✓	✓	✓	
Mayor Coody				

C.2. New Business Passed 8-0 4654

City Council Meeting December 21, 2004

Subject:		U of A Consulting Contract			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Marr	Lucas		
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

New Business
C.3.
passed
8-0
4655

Subject:		ANX – 04-1222 (Doris Roberts)			
Motion To:		2nd read Reynolds	3rd read	Pass	
Motion By:		Thiel	Rhoads		
Seconded:			Marr		
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.4.
New Business

Passed 7-1 4656

City Council Meeting December 21, 2004

Subject:		RZN. 04-1280 (Doris Roberts)			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Odom	Reynolds		
Seconded:		Lucas	Thiel		
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.5. New Business

Passed 8-0 4657

Subject:		VAC 04-1255 (HANKS)			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Thiel	Jordan		
Seconded:		Reynolds	Reynolds		
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.6. New Business

Passed 8-0 4658

City Council Meeting December 21, 2004

Subject:		VAC 04-1279 (Pearson)			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Thiel		
Seconded:		Thiel	Odom		
	Thiel	✓	✓	N	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Odom	✓	✓	✓	
	Lucas	✓	✓	N	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.7.
New Business
6-2
passed
4659

Subject:		AOM 04-1303		Amend Chapter 166.04	
Motion To:		2nd read	3rd read	Pass Street	Standards
Motion By:		Marr	Jordan		
Seconded:	Jordan	~~Reynolds~~	Reynolds		
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Odom	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.8.
New Business
passed
8-0
4660

City Council Meeting December 21, 2004

Subject:		Public Hearing: Dynasty Limousine			
Motion To:		Allow Approve			
Motion By:		Marr			
Seconded:		Reynolds			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Odom	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

passed

8-0.

216-04

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

City Council Meeting December 21, 04

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Odom				
	Lucas				
	Jordan				
	Reynolds				
	Mayor Coody				

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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City of Fayetteville Arkansas
City Council Meeting
December 21, 2004

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Call to Order

Roll Call

Pledge of Allegiance

City Council Special Resolution Recognizing the Fayetteville High School Student Council

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Jim Huffman
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A. CONSENT:

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Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Ward 3 Position 2 - Conrad Odom
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Ward 4 Position 2 - Lioneld Jordan

City Council
Meeting Minutes
December 7, 2004

A meeting of the Fayetteville City Council was held on December 7, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Odom, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor Coody presented a plaque to Dawn Warrick, Planning Department for her nine years of service to the City.

Tim Conklin, Planning thanked Dawn for her hard work in the Planning Department.

Airport Board Annual Report: Doc Wallace of the Airport Board gave the 2004 annual report on the airport. He introduced the current Airport Board members to the City Council. He also thanked the staff for their efforts.

Mayor Coody thanked Doc Wallace for his leadership and participation on the Airport Board. He stated he is very pleased with the direction that Drake Field is headed.

CONSENT:

Approval of the Minutes: Approval of the November 16, 2004 City Council meeting minutes.

Fire Safety House Purchase: A resolution awarding Bid #04-79 to Surrey Fire Safety House on the amount of $23,845.00 to provide a new fire safety house to the Fayetteville Fire Department; and approving a budget adjustment in the amount of $25,287.00 for same.

Resolution 186-04 as Recorded in the Office of the City Clerk.

OMI Contract Amendment No. 10: A resolution approving amendment No. 10 (A) to the contract with Operations Management International (OMI) in the amount of $16,416.00 to fund out-of-scope flood emergency expenses incurred during Spring 2004; and approving a budget adjustment in the amount of $16,416.00.

Resolution 187-04 as Recorded in the Office of the City Clerk.

OMI Contract Amendment No. 11: A resolution approving amendment No. 11 to the contract with Operations Management International (OMI) in the amount of $4,484,325.00 for the operation and management of the Fayetteville Wastewater Treatment Plant for 2005.

Resolution 188-04 as Recorded in the Office of the City Clerk.

Garver Engineers Contract Amendment: A resolution to approve contract amendment No. 4 with Garver Engineers, LLC for additional design, bidding and construction phase services for the Gregg Street waterline relocation in the lump sum amount of $121,500.00.

Resolution 189-04 as Recorded in the Office of the City Clerk.

Aspen Ridge Development Park Land Dedication Requirement: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.24 acres of land and approximately $93,425.00 Cash in Lieu of the Required Park Land Dedication (less Credit for the Developer's cost to construct Indian Trail) for Aspen Ridge Development.

Resolution 190-04 as Recorded in the Office of the City Clerk.

Riggins–Stonebridge Development Park Land Dedication Requirement: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $64,935.00 cash in lieu of the required Park Land Dedication for Riggins-Stonebridge Development.

Resolution 191-04 as Recorded in the Office of the City Clerk.

Transportation Division Dump Truck Purchase: A resolution approving the purchase of one (1) 15 yard dump truck for the Transportation Division from Diamond International in the amount of $84,426.47.

Resolution 192-04 as Recorded in the Office of the City Clerk.

Animal Services Van Purchase: A resolution approving the purchase of one (1) Dodge Sprinter 3500 van for the Animal Services Division from the Breeden Dodge of Fort Smith in the amount of $43,360.00.

Resolution 193-04 as Recorded in the Office of the City Clerk.

Police Pursuit Motorcycle Purchase: A resolution approving the purchase of two (2) police pursuit motorcycles from Denny's Harley Davidson of Fort Smith in the amount of $37,700.00.

Resolution 194-04 as Recorded in the Office of the City Clerk.

Mid-South Sales Contract: A resolution approving a contract with Mid South Sales of Fayetteville to provide engine oil and lubricants for the Fleet Operations Division.

Resolution 195-04 as Recorded in the Office of the City Clerk.

New World Systems Contract: A resolution approving a contract with New World Systems in the amount of $67,700.00 to provide CAD Mapping and Automatic Vehicle Locator (AVL) Software and support to the Fayetteville Police Department.

Resolution 196-04 as Recorded in the Office of the City Clerk.

Smith Communications, LLC Bid Award: A resolution awarding Bid #04-85 to Smith Communications, LLC in the amount of $164,361.00 to provide IP Mobilenet Equipment and Tower Site Upgrade to the Fayetteville Police Department; and approving a budget adjustment in the amount of $159,849.00.

Resolution 197-04 as Recorded in the Office of the City Clerk.

Sage House Replacement Lease: A resolution to end the current lease of City property to Sage House and approve a replacement lease of City property to Sage House.

Resolution 198-04 as Recorded in the Office of the City Clerk.

Seven Hills Homeless Center, Inc. Lease: A resolution to approve a lease of City property to Seven Hills Homeless Center, Inc.

Resolution 199-04 as Recorded in the Office of the City Clerk.

Solid Waste and Recycling Division Commercial Collection Vehicle Purchase: A resolution approving the purchase of three (3) front-load commercial collection vehicles for the Solid Waste and Recycling Division from Downing Sales and Service in the amount of $526,709.61.

Resolution 200-04 as Recorded in the Office of the City Clerk.

AVFUEL Corporation Contract: A resolution approving a fuel services contract with AVFUEL Corporation to provide aviation fuel, refueler trucks, and other services to the Fayetteville Municipal Airport.

Resolution 201-04 as Recorded in the Office of the City Clerk.

Alderman Reynolds moved to approve the Consent Agenda as read. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS

RZN 04-1243 (Medley): An ordinance rezoning that property described in rezoning petition RZN 04-1243 as submitted by Ronald Dean Medley for property located at 3507 W. 6th Street containing approximately 1.03 acres from R-A, Residential Agricultural to C-1, Neighborhood Commercial. ***This ordinance was left on the First Reading at the November 16, 2004 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan: I would like to know why staff denied this.

Dawn Warrick, Planning: Staff believed that the request which was originally to zone the property C-2 Thoroughfare Commercial was not consistent with our adopted General Plan which identifies this area as Mixed Use. We had concerns with regard to future development of the site in addition to the inconsistency with the Land Use Plan; this property has a lot of environmental obstacles. We were concerned as well about the potential maximum development under a C-2 designation.

Alderman Thiel: This ordinance is C-1 not C-2 zoning. The applicant wanted C-2 but staff recommended C-1 therefore that is what we are deciding.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan: Dawn would you tell us the difference between C-1 and C-2 for the public please.

Dawn Warrick: The intensity of uses in a C-2 zoning district is greater. C-1 is more retail and neighborhood shopping type uses. C-2 is categorized as trades and services and it allows such things as used car lots and other more intense commercial, thoroughfare commercial. It is basically what you see up and down North College Avenue.

Alderman Lucas: Is there any way for this to be zoned R-O.

Dawn Warrick: The Planning Commission was concerned about a C-2 zoning district which was the original request. They did ask staff if we could support any type of designation aside from the Residential Agriculture that is the current zoning for the property. Staff was not

comfortable with the commercial designation. However we did state that R-O would appropriately fit within the mixed use category which is identified on the Land Use Plan and we could support an R-O designation.

Alderman Lucas: Can we as a body change it to R-O or do we have to vote on it as it is.

Dawn Warrick: I believe you have that ability to make an amendment to the ordinance that is in front of you.

Alderman Marr: This particular area would not constitute a commercial node in the staff's opinion?

Dawn Warrick: No sir.

Alderman Marr: It is for that reason that I think it is inconsistent with our 2020 Plan, I don't think it has commercial nodes. I think we are creating College Avenue on Sixth Street. Therefore I am not going to support the zoning.

Alderman Lucas: I feel the same way.

Alderman Jordan: I agree, I think we are creating a potential North College again and I don't think that fits. I can't support this either.

Mayor Coody: It looks like the Council is headed against this, do you have another zoning in mind or do you want to leave it Residential Agricultural?

Alderman Jordan: I would not have a problem with it being R-O.

Mayor Coody: If the rest of the Council feels like this, there should be a motion to amend this to change the zoning.

Kit Williams: Yes, the City Council does have the right to not follow the advice of the Planning Commission or the request of the petitioner. You can if you want change the ordinance.

Mayor Coody: The City Council may be thinking of rezoning this to R-O Residential Office.

Dawn Warrick: The uses permitted by right include single family, two family dwellings and professional offices.

Mayor Coody: With two family dwellings, multi family how many units per acre are allowed in R-O?

Dawn Warrick: I believe the maximum is seven; I would have to double check that.

Mayor Coody: I don't know what your plans are for this acre but it looks as if the City Council does not want to go with the full commercial use that you would like to see it developed to.

Dean Medley: I only have one problem with this, when you have a piece of property that is isolated and this piece of property would be isolated, it is surrounded by C-1 and C-2 that leaves

me R-O. If I understand R-O, you can live on the property and you can work out of the property. My understanding of R-O will not benefit me at all. I am having a problem understanding why, if the Planning Commission was okay with C-1 why the City Council is not okay with C-1.

Mayor Coody: I think the reason, that has been expressed tonight, is they do not want to see a repeat of the development on College Avenue which is basically a long commercial strip development. Our 2020 Plan has more commercial node development with buffers between commercial nodes. From what I am reading from the Council this would be contrary to that plan. Dawn am I missing something.

Dawn Warrick: No sir that is correct.

Mayor Coody: Is that roughly right Council?

Alderman Jordan: Yes.

Alderman Marr: On page 18 of 30, I do think there are significantly other tracts of land that are RSF-4, RMF-24, and R-O that show abutting to this property.

Mayor Coody: The road frontage may be C-2.

Alderman Marr: We are not talking about just rezoning the road frontage.

Mayor Coody: I know but that is probably Mr. Medley's perspective.

Alderman Thiel asked exactly where the property was on the chart. She asked if the rest of the R-A property that surrounds this property will eventually come before the City Council for rezoning.

Dawn Warrick responded that the property immediately west of this has been submitted to the Planning Commission for consideration.

Mayor Coody: What is the zoning request on that?

Dawn Warrick: C-2.

Alderman Thiel: It kind of bothers me to single out this one small piece of property and say that it is limited use.

Mayor Coody: It looks to me that C-2 is also further to the west. The property adjoining to the west is C-2.

Dawn Warrick: Not immediately adjoining but the next one over. There are three warehouses immediately west and then 62 Auto Salvage.

Mayor Coody: This is situated between two C-2 parcels. So even though the Council might not want to see commercial development up Sixth Street whether this piece of property is rezoned R-O or left R-A, we are still going to see commercial development even beyond this piece is that right?

Dawn Warrick: There will likely be additional commercial development on Highway 62. The property that is east of the subject tract is a property that is combined it's not just C-2 it incorporated a portion of this RMF-24 to the rear. We have spoken to that applicant about a Planned Zoning District. There are very strict covenants on that particular property because it was originally part of the tract that was sold when the Lowe's project developed. Therefore I don't know for sure that we are going to see a standard C-2 development on the property to the east.

Mr. Medley: If you look at the map half of the Advance Floor Company building is C-2, the other half is R-A. Does that mean that they can only work in part of that building as commercial and the other part has to be agricultural? I am not trying to create a problem here. There is a problem if you don't rezone this property C-1 or C-2. I do not want an undesirable business on my parent's property but I do want it to become something that can be used. If it can't be used then it is a valueless piece of property.

A discussion followed on the type of businesses that would be allowed in a C-1 and C-2 zoning.

Alderman Reynolds: I would not vote for C-2 but I think at this time C-1 would be adequate.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 4-4. Alderman Reynolds, Thiel, Rhoads, Odom, voting yes. Alderman Cook, Marr, Lucas and Jordan voting no. Mayor Coody voted yes thus breaking the tie.

Ordinance 4645 as Recorded in the Office of the City Clerk

2005 Proposed Annual Budget and Work Program Adoption: A resolution adopting the proposed 2005 Annual Budget and Work Program. ***This resolution was tabled at the November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting.***

Geary Lowery a resident asked if the budget still included the $150,000 for the Dickson Street Partners.

Kevin Springer, Budget and Research stated yes it did.

Geary Lowery voiced his concern about the money that is being spent on Dickson Street. He spoke of his concerns regarding curb and gutter, sidewalks and street in the city.

Jeff Erf, a resident asked about a chart that was in the budget documents in the past that shows the General Fund expenditures and revenues over the past several years. He stated that he did not see it in this year's budget. He asked if our expenditures were still exceeding revenues and if those expenditures were still increasing at a higher rate than our revenues.

Kevin Springer: The graft that Jeff was referring to was not included in the 2005 proposed budget document however we did include it as part of the mid year budget briefing that we had in August. At that time the trend was still expenditures over revenues. The recommendation was that we needed to do something to get those trends together.

Jeff Erf: I tried to figure out how much General Fund expenditures per person the city spends. I compared the year 2000 to 2005. In 2000 the city was spending $361 per person based on population, dividing the total expenditures by the population, in 2005 that number is $474 per person. It is alarming to see it jump like that, inflation accounts for some of that. My concern is if the trend continues, it seems the more people that move here it is costing the city more to provide services. It sounds like the solution might be to raise taxes.
Alderman Marr: The calculation that you did was it off of 2004 population or projected 2005 population?

Jeff Erf: I used the population served for 2000 and 2005.

Alderman Marr: So your source is population served?

Jeff Erf: Yes.

Alderman Marr: I would like to see that source.

Kevin Springer: It is on Page 179 of the main budget document.

Mayor Coody: There are a lot of factors that have to be considered. Some of these things are fuel and wages that are beyond our control.

Kevin Springer: We go by the Northwest Arkansas Planning Commission projections. When you look at the population served you have to look at where they served well. Did we have enough fire protection? We have added 12 fire fighters since last year and we are building a new fire station. We have been running behind for years and we are trying to catch up.

Mayor Coody: That accounts for more sidewalks, street paving, curb and gutter, water and sewer lines.

Kevin Springer: If you look at the city wide budget yes. If you look at the General Fund the majority of the General Fund is Public Safety, Police and Fire.

Jeff Erf: I guess my point was that we are also adding people and apparently the growth isn't paying for itself. The alternate to taxes is increasing our user fees and adding impact fees.

Alderman Marr: Kevin can you get us the Northwest Arkansas Regional Planning Commission population number.

Alderman Thiel: I would like the information that Jeff just gave us, the population in 2000 versus the 2005 population cost per person served.

Kevin Springer: Compare the population amounts to what was adopted in that years budget?

Alderman Thiel: Yes.

Alderman Marr: I would like to see the population number you are using.

Alderman Jordan: I asked for this and was told how to calculate this. I would like to know how much these individuals pay versus how much it cost to serve them.

Mayor Coody: We collect the lowest sales tax of any city in Northwest Arkansas, 1.75 cents instead of the 2 cents that Rogers, Springdale and Bentonville charges. We also do not collect any millage for property tax for operations. Springdale charges 5.7, Bentonville 5.5, Rogers 3.9. and Fayetteville charges zero. We can't continue to expand services Mayor Coody explained the increase in cost that the city has had this past year in products and services.

Geary Lowery stated he could show the City Council a way to get all the roads in the city repaired.

Mayor Coody asked him to send him a letter.

Alderman Reynolds moved to table the resolution until the December 21, 2004 City Council meeting. Alderman Odom seconded the motion. Upon roll call the motion to table passed unanimously.

The Resolution was tabled until the December 21, 2004 City Council meeting.

Highway 71 East Square Redevelopment District Project Plan Adoption: An ordinance adopting the Project plan for the Highway 71 East Square Redevelopment District, finding the Plan is economically feasible and authorizing the issuance of Tax Increment Financing Bonds to fund the improvements outlined in the plan. ***This ordinance was left on the First Reading at the November 30, 2004 City Council meeting.***

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Sharon Davidson a resident voiced her concerns on this TIF consuming the time of city employees. She is also voiced her concern about TIF's taking money and resources from various public tax paying entities such as schools and city services. She continued to speak on TIF's in other cities.

Mayor Coody: I might just get you to focus on the Highway 71 East Square TIF.

Sharon Davidson: Excuse me sir this is all relative. I have not been here for a long time and I see no time limit.

Mayor Coody asked if Chief Johnson was at the meeting.

Sharon Davidson left the podium.

Cyrus Young: What you are doing tonight is forming a TIF District is that correct?

Kit Williams: The TIF District has already been formed. Tonight we are approving the Project Plan for the TIF District that was formed previously.

Cyrus Young: The District is formed and that means the base is set for the property taxes right?

Kit Williams: Yes that is part of the Project Plan. The County Assessor fixes the base.

Cyrus Young: Any natural increase in the property taxes over a period of time that goes toward the project is that correct?

Kit Williams: If the project is approved that is correct.

Cyrus Young: You talked about the city buying the property and tearing part of it down so the TIF District would pay the city to do all of this.

Kit Williams: Actually the City would not be doing that the City would be using the TIF bond proceeds to do that. The District is really not separate from the City Council. The City Council controls the TIF District, its funds and the Project Plan, so they make that determination.

Cyrus Young: So this Council will be the Boards of the TIF is that correct?

Kit Williams: That is my understanding, they will control it, I don't know if they are officially a board but they will be controlling the TIF District. The City Council remains in control it is not under control of any other entity.

Cyrus Young: Who will issue the bonds?

Kit Williams: The TIF District will. The bonds are specifically designed by statue as only to be supported by the obligation of the tax increment difference not by the general revenues of the city. The bonds must state on them that they are not a bond that is a debt of the City but is only supported by the tax incremental financing not by the general revenues of the City.

Cyrus Young: The TIF will issue the bonds and the Council is the TIF?

Kit Williams: They control the TIF.

Cyrus Young: They are either the TIF or they aren't. In other words if they are not going to be the TIF than who is going to be the Board of the TIF?

Kit Williams: The statue does not set forth a Board for the TIF District. It does say that the TIF District is controlled by the City Council, they have to do it by ordinance, and they can modify the TIF District borders or the Plan in the future after having public hearings so the City Council remains control over the project but they are not a special TIF District Board.

Cyrus Young: That's the same set up as the incinerator. What happens if no one buys the bonds?

Kit Williams: Then there would be no money in order to do the project.

Cyrus Young: Then would you dissolve the TIF?

Kit Williams: It would be up to the City Council to decide what to do. The legislation indicates that selling bonds is only one of the options, there can be a pay as you go using the tax increment even without bonds.

Alderman Thiel: The city is not going to purchase this property until the bonds are issued, we are not going to purchase this prior to those bonds being issued are we?

Kit Williams: That's correct, in fact I think not only would the bonds have to be issued so that we would have sufficient funds on hand to be able to purchase these buildings and do the demolition. I would also recommend that that we have a very strong contract with the proposed developers to buy the property back from us at fair market value. They would also have to agree to build the project. The primary reason behind this TIF District is to not only to clear this blight but to have something good to replace it with. I don't know if the City would want to buy all these properties if in fact the project was not going to go forward. I would expect to be able to present to you the contract with the developers where they would be contracting and agreeing to buy the property back and to have the project built as part of the whole process.

Alderman Thiel: There is concern about the appraised value of this property after the buildings have been razed and removed. The value is considerably less than the purchase price of the buildings. Would the Council look at a fair market value not necessarily the appraisal the developers obtained for this project.

Kit Williams: I think that's correct. The Project itself does talk about the real property assessment cost and it has those all laid out. It also states *upon completion of removal of the blight the developer will purchase the raw land of the project site at the established appraised fair market value.* We have been offered the appraised fair market value by the appraiser who has been working for the developers. I don't think the City Council is necessarily bound to take that. Keep in mind the reason this project is being proposed is that without some financial help from the tax payers this project would probably not go forward. This building has been sitting there for a long time deteriorating. When we got into this project, it was always assumed that we would lose money on this project by paying more for the cost to acquire and demolish the buildings than we would ever get back from selling the property. However we still want to make sure that you are happy with the appraisals and that you feel like that is in fact a fair market value.

Alderman Thiel: I think the public would need to be assured that ultimately we are getting a value back in the entire area as far as property values going up, enhancing this area and bringing in more tax dollars, all the things this TIF is supposed to do. To assure the public we would be recovering our cost over time. I think the public needs to be reminded again that only the area that's in this TIF is the only area that will be affected as far as taxes.

Kit Williams: The taxes won't be any different for the people that are actually paying them it will just simply be that the TIF District will be allowed to take the amount in excess of the taxes paid each year and use that money for this project. The people paying the taxes won't have to pay anymore with the exception that when property gets more valuable all over the city then the tax payers will be paying a little bit more because their property has gone up in value.

There will be another time that I would want to present a contract to the Council with the developers. I have not begun any type of contractual negotiations with them at this point in time.

At that point in time you will need to weigh in on what you believe is the fair market value and whether or not you approve the contract the city might have with the developers.

John Nock: The statue does allow for the opportunity to purchase and sell back land at a deficit for economic returns. Based upon our calculations the sales tax of approximately $153,000 annually will be collected just from the project alone of the hotel, not the surrounding developments that are being improved as well. HMR taxes the first year is expected to be $60,000 with inflation over the next 25 years you are looking at over $5 million coming in from sales tax and over $2 million coming in from HMR taxes. The property values currently are approximately $6,000 in property taxes. Just that project being revitalized will begin to throw off an increase of property taxes to a tune of over $8 million. On a conservative basis there will be just from the property alone $15.4 million in tax collections. In addition to that the jobs created from the project and the economic incentive should also be a concern for the city. The mid range job will pay $30,000 to $35,000.

Alderman Cook: Where did the demolition and abatement numbers that where included in our plan, where did those numbers come from?

John Nock: We got three separate bids from three separate contractors.

Alderman Marr: What was the spread between the three?

John Nock: Almost a half million dollars. A lot of that was because of the land fill requirements. One of the bidders could satisfy that with a Class IV landfill themselves, the other bidders where assuming they would use the same that the city is using right now which is the only landfill in the area.

Alderman Cook: Are the offer and acceptances on the other pieces of property, are those prices set?

John Nock: TIF's in other parts of the country have utilized condemnation, we went with the notion that condemnation was not going to be something that the City of Fayetteville wanted to utilize so we negotiated what we thought was the appropriate price.

Alderman Cook: What happens if the $3.5 million is not enough for the initial Phase I, demolition, abatement and assembling the property?

John Nock: As you know the total project is in excess of $22.5 million. All of the private purposes of the project are being funded by private dollars. The statue is very clear that if you utilize those dollars that are collected through Tax Increment Financing for private purposes the bonds themselves could no longer be tax exempt so we have been very careful of that to market the bonds. We could ask for more money but this is what it would take to get economically the response that we need to get the project done. If there is more that is required then we would pay for it from the private side.

Alderman Cook: Where does the initial investment come from? Is it taxpayers putting the money up or is it the bond proceeds. I think Kit answered that it is the bond proceeds initially.

John Nock: The dollars that we are talking about spending are all coming from bond proceeds that are coming from taxes from property; they are not coming out of the city's General Fund. In fact none of it is coming directly per say from the City of Fayetteville but instead the statue is set up from the state side to reallocate tax dollars as they are already sitting there. They are dollars that are sent back to the City as the governing body for those dollars. They are dollars that otherwise the City would have no control over and would not receive any of those dollars under the current system of collection of taxes.

Kit Williams: As long as the city doesn't have any millage that would be correct.

Alderman Cook: What happens to those bond proceeds if the project goes in the can?

John Nock: Bonds always carry risks that is why they get a favorable or higher interest rate depending on what the project is. In this particular case the bond holder takes the risk, this is not a good faith in credit of the city it is strictly based upon the revenues, therefore the risk goes to the bond holder. There is no consideration, lending or any other good faith from the City of Fayetteville to the bonds.

Alderman Cook: The plan speaks of estimated project and non-project cost, Phase I is the project cost where there any non-project cost that weren't included in this plan.

John Nock: The cost that could occur in projects that are considered no-project cost would be the financing cost and project cost in excess of the $3.5 million. Those paid professionals the city engages to satisfy that their risk is truly assessed, such as investment bankers, bond counsels and other professionals that need to give you the appropriate comfort level to go forward with the project. The other thing is the feasibility study that was done by the University of Arkansas that is a non-project cost but required by the statue. Cost that are required because this is a TIF project.

Alderman Cook: Are the non-project cost rolled into the TIF bonds?

John Nock: Yes, all project and non-project cost would be rolled into the bond and would not be a secondary cost to the City.

Alderman Cook: Do we have an agreement with the developers that basically says if we buy these properties and prepare them for construction, do we have a contract that states that they will build what they state they will build. I don't want to do all this and then they decide they can't finance this and they want to do something else with it.

Kit Williams: We don't have that in hand yet. That is what I want to protect the city.

John Nock: It has always been our assumption that would be appropriate and we are certainly willing on our side.

Alderman Thiel: Have the bonds been secured, have you found someone that will fund the bonding for this project? Who is required to get the bonding for this the city or the developer?

John Nock: This is not a city backed debt but it is in fact going to be a tax exempt municipal bond. Bonds can not be issued or marketed until they are approved by the Council. I think your

advisor said he was 100% confident that the $3.5 million was doable. The rest of it they still needed to study and look at those improvements and over time how quickly dollars generated from revenues collected would be satisfactory to cover additional improvements.

Kit Williams: I think that is correct, he wanted this to be in two phases to do the streetscape and Phase II a couple of years down the line after he has seen these projects actually get built and get on line which will make a significant different in the tax increment. At that point he could come back before the City Council and recommend further bond issuance. This was our financial advisor, Kruse and Associates that spoke to the City Council.

Alderman Reynolds: This map indicates this has a lot of City, County, State and Federal property involved in this District, how is that going to affect the income in this District?

John Nock: Because those properties are tax exempt by nature they don't pay any property tax currently. However some of those properties may sale and become private properties and then they would increase from a zero tax base to a current tax base.

Richard Alexander: This is a four piece puzzle it is not doable without any one of the pieces. The pieces are the TIF District, new market tax credits, sales tax rebates from the State level and private financing. We have to have some idea what the purchase price back to the project is so we can put the funding in place, that's why we got the appraisal. We instructed the appraiser to look at the property as raw dirt in a blighted area, not raw dirt with a $22 million hotel on it. That came out to about $6.00 per foot. We purchased recently from the City the old library, that property was appraised pursuant to the city's appraiser at $6.00 per foot and that is not in a blighted area and had a perfectly nice building on it.

Mr. Alexander spoke of other properties in the area and their value. He stated they are ready, willing and able to do the project.

Alderman Cook: Regarding Phase II our Bond Counsel basically said that the public improvements was up in the air, it depends on how well the TIF goes whether that will be funded and at what level it will be funded. Is that piece of the plan still up for debate? If we vote on this plan as it is what's mentioned in that $6.5 million is that what's going to be done. If we vote on this plan in front of us is that Phase II spelled out?

Mayor Coody: No, that wouldn't be Phase II spelled out at all.

Kit Williams: Well it is spelled out but the City Council has the right to amend a Project Plan in the future.

Alderman Cook: We have talked about changes to Highway 71 but we have to get approval from AHTD first and they might not agree with that, so we might not be able to do that part of the project. For some people that might not even be their priority, to me this is the carrot for the taxpayers, the public improvements that we can get out of this project. There is no guarantee it will happen.

Mayor Coody: There are a couple of carrots one is the public improvements the other is the removal of the Mountain Inn and the building of a new facility there. We do want to do some public improvements down there but with the ultra conservative approach of the Bond Counsel.

Alderman Thiel: One thing that has concerned me about Phase II of the project is that we have already made a request for funds from the federal government for basically the same project that we are talking about in this. I would be concerned that by doing that through the TIF we would jeopardize getting the federal grant for improvements on College.

Mayor Coody: The appropriations bill will be reviewed by the new congress. There is no guarantee that we will see a penny of that although they are going to be working very hard to keep that appropriation in the bill. The $4 million that is ear marked currently wouldn't cover the entire project. I don't see these conflicting as much as complementing each other. If there were the funds raised for the public improvement of the TIF, that wouldn't be just for College Avenue that would be for all the areas within the TIF. It would take supplemental funds that the TIF would provide to really finish the job.

Alderman Jordan: The thing I look at when I see this TIF District is we are talking about cleaning blight in an area. We are looking to make things better. If I live near North College and my property taxes are going to be increased, what's in it for me? What can this TIF money be used for.

Alderman Odom: You are only going to be paying higher property taxes because the value of your home is going to be greater.

Alderman Rhoads: If it's your nest egg then you will have a bigger nest egg and better retirement probabilities.

Alderman Marr: To me the other event for the home owner is their ability to go out and do an appraisal at a higher value and borrow money and do more to their home if they want to because they now have a higher basis.

Mayor Coody: Increases for property taxes are capped anyway.

Alderman Jordan: The perception is they are raising my property taxes and building a new hotel and what am I getting out of it.

Alderman Odom: This doesn't actually raise the property taxes. The increase in the value increases your taxes and that's what is going to pay off the TIF bonds.

Kit Williams: The millage rate doesn't change.

Mayor Coody: Property taxes on that same house have been increasing over the years without any improvements. Probably just a quickly as they would with improvements.

Alderman Jordan: I do want us to remember that hopefully some of these funds can be used to improve the District.

Mayor Coody: Yes. Anything in the public domain directly affects that homeowner.

Alderman Jordan: Can any of the funds be used for affordable housing.

Kit Williams: I don't see that as part of the powers in here.

John Nock: The Project Plan states the purposes that you can do. You could do public housing however keep in mind in order to do public housing you must be able to generate an economic model to do so.

Alderman Marr: I whole heartily supported the District when we established it and the Project Plan. When we were setting this District our finding was the blighted area that needed to be done and generation of jobs that was the purpose of why we wanted to do this. I don't think it can be argued at all that we currently have a piece of property that is in need of renovation and redevelopment. It is the closest thing to blight in NW Arkansas that I think we probably have in terms of property value that once was an economic item and today we don't collect any significant value from it. I have had citizens say to me that you are going to buy this and then sell it for fair market value which is something less than that. That is the intent of this legislation.

Alderman Marr read part of the Plan that stated, *which is less than its cost to the local government,* he stated that says to him that in the creation of this the government is going to take care of this item, otherwise you don't need it. If you can get the financing yourself why would you come and ask us. The reason we would want to remove this is for safer conditions. The two issues that citizens have talked about when they came to the podium was we don't want such regeneration that we can't continue to live in Fayetteville and don't condemn my property. I don't think we want to condemn the property. I think in our prior discussions the District decided we didn't want to condemn the property, which meant you need to negotiate in good faith, set contract values and that is what it is going to be to tear it down and redo it. The other finding in the Plan says we are suppose to do is *contain a finding that the plan is economically feasible.*

I heard men stand in front of us at the last meeting and tell us that $3.5 million could be financed if this project didn't even exist. The model that this financial economic thing is built on is the most conservative. In the worst case scenario if it didn't get built, then the issue is that you are limited to collect that amount money in 25 years. The termination clause of this says *the District can't be existence for a period of longer than 25 years unless the bonds that have been issued would not be fully paid until which the date 25 years from the date of creation.* Worst case scenario would be if you didn't have enough increment and you got to the 25th year then you would keep going because you still have outstanding debt until that debt is retired. I don't see the risk, we are not raising taxes, we are only using the proceeds from the increment to finance it, we are getting rid of blight, we are creating jobs, and we are prospering downtown. When people look at new areas they look at vibrant areas downtown and the re-development of downtown. That is why we invest in downtown and Dickson Street because businesses look at what your downtown area is to decide whether or not they are going to relocate there. Because if downtown is crap then the rest of your town is, that is the assumption. I think it is important to keep your core solid. I think this is a major step to do that. I haven't heard any thing tonight that says this plan isn't economically feasible and that there is risk being taken on by the City to a degree that we can't handle it in 25 years. This is the only finding that I have found in this section other than the detail that Kit has talked about that we as a Council are suppose to do in the Project Plan. If we didn't think that we needed to redevelop this then we should have never set a boundary which is the first action we took. I think got great answers on the questions that citizens have asked. I think the bottom line is, is it economically feasible. I think we have heard it is and it is without the project ever being built. I think someone in the future is going to be

sitting here trying to figure out how to spend the money that I believe this project is going to generate.

Mayor Coody: One of the things the TIF regulation was put together for was to introduce a tool to redevelop blighted areas where private money won't go because there is no private incentive and no private motive. Private people are going to stay away from something like this because there is no way to make any money at it so it continues to stay blighted. This tool was set up to allow governments and private businesses to be able to take care of blighted areas. This helps provide an incentive for private folks to come in and invest their money, whereas there would be no incentive otherwise. That is the entire intent of the legislation. As far as condemnation goes we did talk about not wanting to condemn. My impression was the Council did not want to remove people from their homes. I think the conversation for the next TIF District, if we want to do one, shouldn't be that we have a history of not condemning property but if there is someone that has a derelict commercial property then the city can come in and condemn that property, not removing someone from their home but making a TIF project work. That's why condemnation in some cases might be appropriate.

Alderman Marr: Luckily we don't have that in this scenario.

Kit Williams: When I drafted this ordinance I said under Subsection K *that no non-project costs are anticipated to be paid out of the TIF proceeds.* There is a resolution that will be coming before you stating your intent to pay the city back for the cost that is incurred for economic forecasting and the bond proceeds. We probably need to amend Subsection K to say that non-project cost include financial advise, bond cost, economic forecasting, etc. rather than non are anticipated. If that is what the Council would like to do.

Alderman Reynolds: In the TIF District at what point are we going to put the utility lines under ground?

Mayor Coody: I don't know.

Alderman Reynolds: To me that is part of the blight of the old hotel.

Mayor Coody: You are right. If we redevelop College Avenue one of the things that we will want to do is move the utility lines off the main thoroughfare. That will take a lot of planning with the utility companies to get that done. That is a goal that we would have but we do not have a timeline or direct cost for that.

Alderman Rhoads: This Council or future Council's will have their hands on the controls.

Alderman Lucas: I am very much in support of this. Even without the hotel being built the revenue is there to pay off the bonds for Phase I the demolition of the Mountain Inn. This is getting rid of a terrible blight that we have in the city.

Alderman Marr moved to amend Section K of the ordinance to include non-project cost. Alderman Lucas seconded the motion. Upon roll call the motion to amend the ordinance passed unanimously.

Alderman Lucas moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Cook: You are still going to negotiate with them as far as the final price? Us voting on this doesn't change that?

Kit Williams: It does not change the fact that I will be coming back to you with a proposed contract for the sell of what we will acquire back to them and them building the project if we go forward and buy it and demolish it. The contract will come back before you.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4646 as Recorded in the Office of the City Clerk

NEW BUSINESS:

R-PZD 04-1154 (Cliffside): An ordinance establishing a residential planned zoning district titles R-PZD 04-1154, Cliffside located east of Happy Hollow Road, South of the Cliffs Apartments, planned unit development, containing approximately 26.114 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the associated residential development plan as approved by the Planning Commission.

Mr. Williams read the ordinance.

Dawn Warrick gave a brief description of the project.

Alderman Lucas: I noticed this is going to be reduced, is it still going to be four lanes?

Dawn Warrick: A collector street is typically a three lane street which provides for two travel lanes and a turning lane.

Alderman Lucas: So we are going to reduce the width of the street then.

Dawn Warrick: Happy Hollow is over built at the further north end, there is not an opportunity for it to go further north because of slope and development that is existing. It will transition to some degree at the northwest corner of this property.

Alderman Lucas: I noticed that part of that says no dead end. When you have a turn around or circle is that a dead end?

Dawn Warrick: My understanding of that is the cul-de-sac's in this case are not considered dead ends. The stub out to the east is not a street that someone would have to drive on in order to get to any of the lots within this development therefore it does not prove as a stopping point for traffic flow within the development. Traffic can flow on all the streets without coming to a point that it is a traditional type dead end with no outlet.

Alderman Lucas: I am very glad to see that a sidewalk will be built on Ray Avenue to allow children a place to walk to school. I think that is a great idea, we need sidewalks around our schools that is so important.

Dawn Warrick: The applicant will be improving Ray Avenue from 4th Street north which is adjacent to Happy Hollow School. The school right now parks along Ray Avenue and the applicant will be providing some on street parking to accommodate the loss that they will have. They will still have parking on the street; it will be a curb and guttered street with sidewalk and storm drain.

Alderman Lucas: Great. Where is the street going to come into the school?

Dawn Warrick showed the Council the access to the school.

Mayor Coody: I don't see how on earth there could ever be enough traffic on Happy Hollow Road to justify a continuous turn lane even if it where fully developed residently as densely as it could be. I don't see the need to have that road designated a collector street.

Dawn Warrick: The initial construction that will be done adjacent to this project boundary will be solely to provide curb, gutter, storm drain and 14 foot pavement which is a traditional 28 foot street. What we typically require of a development is what we believe to be equivalent to the impact on traffic that they are bringing to that particular street or area. What we have sited for a condition is that a 14 foot from center line street improvement with curb, gutter, storm drain and sidewalk will be accessed.

Mayor Coody: How does that square with this being a collector.

Dawn Warrick: It will be located at the appropriate point so that the right of way is available for it to be expanded to a collector if necessary.

Alderman Lucas: It goes down to that intersection that we are going to straighten out.

Dawn Warrick: It will provide for turning lanes should they be necessary. A collector street does not have to have a continuous turn lane; the right of way is there in case it is necessary.

Alderman Thiel: I really like this project. I appreciate that staff encouraged the smaller lots and reduced set backs to hopefully provide affordable housing and also encourage the developer to make these attached town houses rather than duplexes so that they would also be sold as affordable. I also appreciate the existing tree canopy preservation on this property. I know there are concerns about the traffic but I think there are certainly ways in and out of this project.

Alderman Reynolds: One of the parents was worried about having bike lanes from this project to the school.

Dawn Warrick: We have not made a recommendation for bike lanes specifically. Bicycles are permitted on the public street. What we were more concerned about were pedestrian connections to insure that there was a walking trail and sidewalk connection.

Alderman Thiel: They are improving Ray Avenue with adding sidewalks.

Alderman Jordan: What about the drainage how will that affect the neighborhood down below?

Dawn Warrick: City ordinance does not permit post-development to be an increased amount than pre-development.

Brian Scott with Project Design Consultants described the drainage plan and the work involved in saving a large amount of trees.

Mayor Coody: Do you plan on using a detention pond?

Brian Scott: There are detention ponds on site and we meet all of the city requirements.

Jeff Erf a resident expressed his concern about creating more chaos in this area and if a traffic engineer had studied this.

Dawn Warrick: In conversation with the school district representatives, they understand that they may need to have a new plan of attach with regard to drop off and pick up with Happy Hollow because of the changed street configurations. In staff's opinion this is a solution as opposed to a problem because it allows people to go two different directions as opposed to funneling everyone up and down Ray Avenue only, which is currently the only option in this location. We feel this offers them a new opportunity and the developer is aware that this may funnel additional traffic into his development.

Seth Kaffka representing the developer stated they did give this proposed site plan to the teachers. They presented it to the teacher and the parents at the PTA meeting and they were very excited at the proposed relief in their traffic, the off street parking and allowing for two ways of getting out of the proposed addition.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Lucas: Have the numbers on the lots been corrected.

Dawn Warrick: Yes, I believe we have gotten new numbering.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Odom, and Lucas voting yes. Alderman Jordan voting no.

Ordinance 4647 as Recorded in the Office of the City Clerk

Ecological Engineering Group Contract: An ordinance to waive the requirements of competitive bidding and to approve a proposed contract with the Ecological Engineering Group in the amount of $129,989.00 for a four year Physical and Biological Stream Assessment and Monitoring Program.

Mr. Williams read the ordinance.

Gary Coover, City Engineer: We are in the first year of a five year program as part of the national pollutant discharge elimination system Phase II permit program to insure we have clean streams and clean storm water. At the end of the five years the EPA will measure and see how well we have done.

Mr. Coover explained what has been done so far in this program and why they need this company to assess our streams.

Marty Matlock with Ecological Engineering Group explained to the Council what they will be doing under this contract if approved. He stated to protect the streams ecological system they have to measure what works and what doesn't work and modify according. He stated they will be monitoring 38-40 stream site segments.

Alderman Thiel: Dr. Matlock gave an extensive presentation to the Environmental Concern Committee and they were all very supportive of the City Council supporting this.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4648 as Recorded in the Office of the City Clerk

Youth Center Inc. Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center Inc. in the amount of $250,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2005.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4649 as Recorded in the Office of the City Clerk

Council on Aging Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Council on Aging in the amount of $50,000.00 to provide public recreation services for the senior citizens of Fayetteville for 2005.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4650 as Recorded in the Office of the City Clerk

Legislative Packet Approval: A resolution to recommend the approval of the Legislative Packet of the City of Fayetteville.

Mayor Coody: This is a series of recommendations made by our City Attorney to send to Little Rock to clean up legislation that is ambiguous or confusing.

Kit Williams: I spoke with Steve Davis and other members of the city staff to come up with some of these recommendations. I would hope you would pass this resolution so that we can hopefully before the legislation session meets, we can meet with our legislators and encourage them to pass these bills and any other bill you might be interested in.

Alderman Thiel: I support everything you have proposed here and I think it is a good step that we are drafting a resolution and taking it forward.

Alderman Thiel moved to approve the resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 202-04 as Recorded in the Office of the City Clerk.

§34.27 "Sale of Municipally Owned Real Estate" Amendment: An ordinance to amend §34.27 Sale of Municipally Owned Real Estate to add an exemption for lands acquired pursuant to approved redevelopment Project Plans.

Mr. Williams read the ordinance.

Kit Williams: I brought this forward because if you did not exempt the property that you voted to acquire in the Project Plan tonight it would be an extremely long process to sell it.

Alderman Rhoads moved to suspend the rules and go to the second reading. Alderman Odom seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4651 as Recorded in the Office of the City Clerk

Sign Appeal Process Clarification: An ordinance clarifying and streamlining the process of appealing administrative decisions or interpretations regarding signs and granting of variances from the requirements of Chapter 174, Signs, Unified Development Code.

Mr. Williams read the ordinance.

Kit Williams: About a year or so ago we amended the sign ordinance to make it in conformance with the Federal Judges decision in a case that involved the City of Fayetteville. However there were several other sections that dealt with the sign ordinance that were not affected. It was our opinion that we should make these changes so that the City Planner makes the decision and any appeal from that decision would go to court rather than through the Board of Adjustments and City Council.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Odom seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Thiel: I just want to commend our City Attorney for looking into this situation and following through with it. He continues to do things like this which is beneficial to our city.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4652 as Recorded in the Office of the City Clerk

Scull Creek Trail Corridor Development: A resolution to consider spending as much as $1,000,000.00 of the proceeds from the sale of the Wilson Springs Property in the development of the Scull Creek Trail Corridor.

Alderman Cook: I brought this forward because I believe trail construction in the City of Fayetteville is good in a lot of ways.

Mayor Coody: I just passed out the recommendation that I made back in June of this year regarding the Wilson Springs proceeds and the way we could spend the money. There has been some concern that we might piece meal this Wilson Spring's money and wind up not having done with it everything that we could have. The trail system here is a home run hit with the citizens. There are a lot of folks that don't use them, don't understand them, don't need them, don't want them and think it is a waste of money. The people that use the trails and have seen what we have done at Mud Creek understand what a trail system can do for this community. It is very important that we continue trails throughout town. We need to support the trail system as much as we can.

Alderman Jordan: Alderman Cook said spending as much as up to $1 million. Mayor you said $500,000 for this project. Are you saying to spend up to $500,000 Mayor? Is there a limit on what you want to spend?

Mayor Coody: I'm just saying earmark $500,000 for the Scull Creek Trail construction.

Alderman Cook: I asked for $1 million because our rough estimates to complete this trail are around $4 million including this $1 million. We have an opportunity for matching grants and other matching money that would potentially help us do this corridor with this $1 million. This corridor is important for many different reasons. A lot of people feel that trails are for recreation, I don't feel that way at all. I think they are transportation related; they get more cars off the road especially this corridor because it runs through the middle of town and connects a lot of people to some of the destination points in Fayetteville. In a lot of ways this is a backbone to our trail system. This is good for environmental reasons and will give us an opportunity to clean up Scull Creek. It is a great north south connector. We spent time and money putting together the Fayetteville Alternate Transportation and Trails Plan, this trail is one of the top five in that. We need another project we can work on. We spent time and money doing Mud Creek, it is a

great trail and we are getting ready to finish Frisco Trail this will connect those. We are starting to see the overall loop that people want to see, that's trail connectivity and that is when we really do see the transportation element of that. There are safety reasons, this is an option to get people off the street because a lot of people don't want to ride their bikes or walk because they have to walk in the street. This is an opportunity to provide off street transportation also. Those are some of my reasons why I support the $1 million.

Alderman Jordan: So you are saying for $1 million we can get a $4 million trail, in your estimation.

Alderman Cook: In my estimation. Steve can speak to some of the grand opportunities that are out there and other ways that we can use this money.

Alderman Jordan: Mayor do you think with the $500,000 we can complete the trail?

Mayor Coody: Oh no. We couldn't build the entire trail for $500,000.

Alderman Jordan: I was talking about the grants.

Mayor Coody: If we have been having millions of dollars available for grants, there is no reason why we shouldn't have been getting those grants as of today. An additional million dollars should not put us in any ball park that we haven't already been in. The letter from the Secretary of Environment's office in Oklahoma, I asked them to write that to us and to their Senator that is on the appropriations committee in Washington D.C. We asked that appropriations committee for $1 million to go toward the Scull Creek Trail corridor because of the Illinois River connection with Oklahoma. We didn't get it this year that doesn't mean we are not going to keep trying for federal appropriations for this corridor.

Steve Hatfield: The match is not a direct 4-1 match. What I think Alderman Cook is referring to is there is a multitude of grants that would be available and a lot of them are targeted to an urban stream situation, not just a stand alone trail. To get this project detail designed enough to where we were ready to do the whole project at once so that we could go after multiple grants at the same time and have time to put that entire package together. Stream restoration is a big thing, Illinois River is another big component and the other big component as far as the trail part is that our most residential and employment densities are along that trail corridor. The potential of U of A students that live along there and a lot of apartment dwellers could use that trail to get to work, school and shopping areas.

Mayor Coody: I don't think you will need to talk us into the concept of the trails especially Skull Creek Trail which has been my top priority for a long time now, I was hoping we could have started on that before now. The question is the grants and the appropriations of monies. How much money aside from Wilson Spring's funds do we have budgeted for 2005?

Steve Hatfield: $350,000.

Mayor Coody: Which is a good start but we need to add more to it. The question is do we add $500,000 or $1million to this $350,000 and if so what would we not get for the remaining $500,000 of the Wilson Springs money.

Steve Hatfield gave a presentation on the trail plan.

Alderman Thiel: Why is Indian Trail prioritized number one, we are not moving on that instead we are considering moving on priority number three. How do we get to these priorities in the first place and why are we not dealing with them 1, 2, 3, 4?

Steve Hatfield: We are dealing with them in some sort of rational order, we created a trail matrix through the committee that evaluated the right of way that is available, and how many are served, how many employers are served and the scenic quality. There were about eight different criteria that we used to look at each trail. Indian Trail is not being left alone it is currently being worked on. There is one development in that part of town that we are already in the process of securing that piece of the corridor. So we are actively pursuing that corridor as well. It is all a matter of trying to package these as a complete project and be able to get the support for those projects. We will be working on two or three tails parallel at the same time.

Alderman Lucas: You said you had budgeted $350,000, is that in the parks fund.

Steve Hatfield: Yes, and that is not specifically for Scull Creek Trail.

Alderman Lucas: But it is for trails.

Steve Hatfield: Yes, trail development.

Alderman Lucas: How do you figure how much to budget for trails in your park finances? We have finances from the HRM taxes for parks and then we get money in lieu of land for parks. Can that not be used for trails also? How do you prioritize how much you are going to budget for trails?

Connie Edmondson, Parks Director: We look at all of our needs when we look at budgeting for trails or any other project. Trails were one of the number one items as well as neighborhood parks and the community park from our Park Master Plan. We get from the Budget Department how much money is available and then we sit down with our Parks and Recreation Advisory Board and determine the priorities. The $350,000 is out of sales tax for trail development. Most of the parks development money for this year went towards the community park.

Alderman Lucas: Towards the community park? So you are putting it aside for the community park?

Connie Edmonston: Yes. We are working on several projects at one time; we can't just work on trails only.

Alderman Lucas: How much did you set aside for the community park?

Gary Dumas: Approximately $1million.

Connie Edmonston: I don't have those figures with me. Part of that was out of parks development and part of it was out of sales tax. We had money in there for Braden Park development and funding in there for Lake Sequoyah and Gulley Park.

Alderman Lucas: How much have you spent on trails this year?

Steve Hatfield: I don't have a final number but is will be over $450,000.

Alderman Lucas: Is that counting the completion of the Lake Fayetteville Trail?

Mayor Coody: No, that was almost $1million by itself.

Steve Hatfield: The completion of the Mud Creek Trail, Walker Trail, Walker Senior Trail and Frisco Trail. Some of the completion will be covered by a grant.

Alderman Thiel: We are looking for trails as transportation is any funding for the trails coming from the Transportation Division Enterprise Fund. That would not come out of the General Fund at all.

Gary Dumas: That is the Street Fund and I suppose if you would rather allocate funding for trails instead of street overlay and sidewalks you could. When we do sidewalks depending on the location if it coincides with the Trail Master Plan we do widen those sidewalks to accommodate the trail system. There is some money that is available to the Street Division from the General Fund if you chose to reallocate that toward any activity that is a Council prerogative. It is just a question of priorities, we have a multitude of priorities that we try to address in the city, and we have several projects and limited dollars to address the projects.

Alderman Thiel: I am trying to emphasis that we are talking about transportation trails we are not talking about walking trails through parks. If the grants were available we would be looking at federal transportation grant money.

Gary Dumas: Through 2000 there was money available through various transportation bills. Whether that will be in the next transportation bill is unknown.

Alderman Reynolds: I don't have a problem with trails; I walk every day at the Walker Park Trail. The people that have talked to me are really interested in drainage, streets and sidewalks. They would like to see the main priority things done in this town. I am not sure about this million dollars right now for this project.

Alderman Lucas: I kind of feel the same way, the people that have talked to me feel that way. When you look at what we have spent this year. The million for the bridge, the $400,000 on trails and then we also bought Sequoyah Woods. I am all for trails and Scull Creek but I think we need to slow down a little bit and work it in as we can. Asbell has begged for a park for several years. I think we need to look at some of the other things like street and sidewalks.

Alderman Cook: The reason I asked for this money from Wilson Spring's money is because we set that money aside for special projects. When Wilson Springs was sold there was a lot of comments form citizens that we should use that money to buy green assets within the city. The money we spent on the bridge that money was already encumbered within the parks fund that they had already designated for that bridge. We are stumbling for our next step in trails, we have $350,000 budgeted for next year and that will not go very far. We are looking for the next step in our trails system, to me this is it because it is the backbone there is a lot of connectively with

this one piece of trail, it is an urban corridor and there is a stream that we need to protect also. It has many other reasons to support it other than trail building.

Mayor Coody: We aren't looking for our next trail corridor, Scull Creek should be it. We also need to look at a connection between getting the bridge on Front Street fixed up to where that connects to east and west Mud Creek Trail. It is a physical connection now but it is not a physiological connection because it feels dangerous and confusing. We also need to connect East Mud Creek Trail and West Mud Creek Trail to the sidewalk that we are building on Gregg Street so that will connect up to Scull. Scull Creek needs to be our next corridor along these other connections, so we are not looking for our next project, it is in the cue and it is prioritized to where we need to be focusing on that. The question is, is this the best funding mechanism for it.

Gary Dumas: I would hate for this issue that is being discussed at the Council level now to be a decrease in the level of effort we are putting towards trails. As the citizen survey said quality of life is an important element of what makes Fayetteville, Fayetteville. There has to be a balancing act between the needs of asphalt for the streets and what some might call lesser amenities. I don't think trails are a lesser amenity. It is a balancing act in how we use the resources that we have. I think the proposal that the Mayor has is a reasonable proposal that keeps us moving forward fairly aggressively with the trail program along with funds for the street program and economic development. If we are successful in getting a grant we can always come back to the City Council or if we have an opportunity to submit a grant we have to come to the Council and ask the Council to approve that. I don't think we have ever hesitated to come forward if we had a grant opportunity.

Geary Lowery a resident spoke of wants and needs. He said I know Alderman Cook wants this trail but do we need it. He stated the trails are not used 24/7 like we use the roads because of the darkness, safety and weather. He said we need to spend our money on what we need and not on what we don't need. He said most of the trails are in Ward 2 and Ward 3. He feels we need the money for storm drainage. He suggested we prioritize and get the residents input on spending this money. He stated that most of the people in this city drive to where they need to go. He stated he thinks the citizens would say the first priority of this city would be streets, roads, curbs, gutters and sidewalks.

Pete Heinzelman a resident spoke of Scull Creek and it being Fayetteville's major water way running south to north. He said Scull Creek has two major assets a major non-motorized transportation route and it links every other trail system that we have. He said it is also along a very potentially beautiful creek way. He is very much in favor of the development of this trail way. He said he thinks it is a very important thing for this community to be working on because it is going to have a lot of advantages.

Wade Coldwell, Chairman of the Parks and Recreation Advisory Board stated the number one form of recreation in this country is walking; it is also the cheapest form of recreation. He stated we had meetings and planning sessions to prioritize the goals for our park system. The number one goal was a community park and the number two item was trails. He has had tremendous comments on the Mud Creek Trail. He discussed the trails that are lighted. He stated a trial system like this promotes and encourages people to recreate. He said it is not just a commuting corridor but a social corridor. He feels this should have been done many years ago and that we are playing catch up.

Cynthia Kalke, Sidewalks and Trails Task Force asked the Council to commit up to $1 million towards this trail. She stated if there is the opportunity to get matching grants we need to take them.

Sam Lafoy, Sidewalks and Trails Task Force spoke of how much faster it is on the trails to get from one point to another. She spoke of how interconnected Fayetteville can be with the trail system and how quickly you can get around using the trail system.

Len Shaper, a resident: I think you should consider this resolution. The trail is part of our economic development and I think it is appropriate to use Wilson Spring's money for the Scull Creek Trail.

Alderman Lucas: I think the Scull Creek Trail is very important but I think we need to do a balancing act. Sometimes we put so much emphasis on one area and we forget other areas, that is what I am talking about. We have resources that come in for parks and trails and I think we need to utilize those funds for a while and attend to some of our other areas of concern. There are some schools that do not have adequate sidewalks.

Duane Woltjen a resident stated the paved trails are a great asset to senior citizens. He stated if you have a plan and haven't funded the plan you have a much harder time of getting funding in the future. He said if you allocate this money now it gives you a stronger hand when you apply for a grant. It gives you leverage when you apply for those grants.

Mayor Coody: It sounds like we are being misunderstood; no one is saying we don't want to build Scull Creek Trail. If grants are available we should have been going after it long before now. We have money allocated and we have other money available. The question is how much do we want to earmark for this project. I don't think the difference between what we have available versus this resolution has stopped us from getting grant money.

Steve Hatfield: No.

Alderman Thiel: I think there needs to be a compromise. I think your proposal of $500,000 might be more acceptable to some members of the Council than the full million.

Alderman Thiel moved to amend the resolution to consider spending up to $500,000 from the Wilson Springs proceeds on the development of the Scull Creek Trail Corridor. Alderman Jordan seconded the motion.

Alderman Rhoads: On you list we have $1.8 million for economic development, $2 million for street improvements, $750,000 for Botanical Gardens, $500,000 for Scull Creek and $250,000 for the Master Plan. I don't recall what has been committed of these amounts except for the $750,000 for the Botanical Gardens.

Mayor Coody: None of the other recommendations have been acted upon by the Council.

Alderman Cook: Fayetteville Downtown Partners $150,000 out of economic development.

Alderman Rhoads: Have your recommendations changed at all?

Mayor Coody: No, I am still satisfied with it.

Alderman Marr: I support building the Scull Creek Trail corridor. I think it is important to specify funding. I think this is a critical backbone to out trail system because of linkage. Most trails are in Ward 1 or Ward 3. You have to think of your pedestrian network like you would in a transportation network system. You have an interstate and your local roads, your trails are your interstates in your pedestrian corridor and your sidewalks are your local roads. I think we have to have the interstate piece. In Ward 2 other than road repair what I heard a lot was pedestrian friendliness, connection to the university in a pedestrian aspect to get cars off that area. I hope the next item is how we plan to allocate all of the Wilson Springs funds instead of bringing these in one at a time.

Mayor Coody: If there is a desire to ear mark this money once and for all we could make a recommendation to adopt my recommendation.

Alderman Rhoads: This list has been discussed and so far I have not heard that the list is bad or wrong, we know the money is not going to be spent without our approval. It gives us the flexibility to make decisions as we go along.

Alderman Marr: I think what I am hearing is when are roads going to be a debate. I would encourage our Street Committee to talk about what those projects might be so they can bring some ideas forward. The longer the money sits there it begins to cost more to build things and the value of the funds begins to diminish. It is important to get a plan in place and to use the money at present day value so that we don't lose the value.

Alderman Jordan: The Street Committee is planning on meeting within the next couple of weeks to do that very thing. Probably within a few weeks we will have a plan. I am tried of chewing on this list I am ready to approve something.

Upon roll call the motion to amend the resolution passed 6-2. Alderman Thiel, Cook, Marr, Rhoads, Odom and Jordan voting yes. Alderman Reynolds and Lucas voting no.

Alderman Cook moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 6-2. Alderman Thiel, Cook, Marr, Rhoads, Odom and Jordan voting yes. Alderman Reynolds and Lucas voting no.

Resolution 203-04 as Recorded in the Office of the City Clerk.

2004 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2004 fixing the rate therof at 0.4 mils for the Firemen's Pension and Relief Fund, 0.4 mils for the Policemen's Pension and Relief Fund, 1.0 mil for the Fayetteville City Library, and certifying the same to the County Clerk of Washington County, Arkansas.

Mr. Williams read the ordinance.

Mayor Coody: This is the millage that we have been charging for years now. There is a need to hire more firemen and policemen. I have asked the City Council to consider raising our

discretionary millage 2.5 mills so we can hire 12 firemen and 12 policemen. The 12 firemen would be used to staff the new fire station at the Tyson building. The 12 firemen would be brought on in 2005. We wouldn't see any money from the millage increase until October 2005. Same as the police personnel. We have been talking about our low tax rate in Fayetteville, the need to expand services and the need to expand revenues for months. The one thing I really don't like about this besides the fact that we need to increase revenue to fund more fire and police is the fact that we had to wait until the County told us what our millage roll back was going to be. We just found that our within the last couple of weeks and we thought we had more time to make our recommendation to the Quorum Court but the County Clerk informed us they need the information tomorrow.

Alderman Rhoads: Could you explain the roll back process from with the County how that works, please.

Steve Davis: A roll back situation occurs when in our case Fayetteville city limits experienced an increase of property values in excess of 10%. Amendment 59 to the Arkansas Constitution limits the growth from year to year to no more than 10% overall for the taxing unit for property. Since 2004 was a re-assessment year for the County it includes re-assessment for existing properties as well as new construction. Because of those two events in 2004 we had an approximate increase of 12% in real estate values. Once the city went over the 10% threshold the County Assessor determined we had a potential rollback. If we had a roll back we would have to reduce our millage to ensure that the city received no more than 10% revenue off of the increased values. Because of the formulas we could have a 12% increase in property values and not have a roll back situation. The County Assessor made that determination and we received notification from the County Assessor on November 22, that after her calculations we did not have a roll back even though we did have a 12% increase in real estate values.

Mayor Coody: So we did not know exactly what this 1.8% was going to be until we got the notification of the roll back. We didn't know what to give the County until we got the roll back that is why we asked for an extension.

Steve Davis: We asked for a 60 day extension in October that expires December 8th.

Kit Williams: Steve did you have a conservation with the County that if we passed the 2.5 millage levy tonight as suggested whether that would affect the roll back with us?

Steve Davis: Yes sir I did have that conservation with her and she said it would not impact our roll back situation.

Mayor Coody: These 12 policemen that we would hire would they be patrolmen?

Chief Johnson: Yes.

Mayor Coody: How many patrolmen do we have at any given time in Fayetteville?

Chief Johnson: Scheduled through the three shifts?

Mayor Coody: Yes

Chief Johnson: Depends on the week, we can average between 7 and 10.

Mayor Coody: If we hired 12 more patrolmen what would that number turn into?

Chief Johnson: That depends; we would schedule the officers to work when we have the highest volume for calls for services.

Mayor Coody: That would be quite a boost of the percentage increase of the number of police on the street is that right?

Chief Johnson: Yes sir, the number of officers on the street in addition to our overall ability to answer calls for services and our investigative services also. It still has a significant benefit to the entire organization.

Mayor Coody: It will help with the Code Zero calls as well? I am willing to take the heat to ask for the increase in property taxes. Since we don't collect any and haven't for a long time we are at an extreme disadvantage, even if we do boost this 2.5 mills from zero. We would still be by far the lowest city property taxing entity in the corridor and this would allow us to take care of a lot of catching up on the fire and police personnel. For the accessed value of a $100,000 home would be a total tax increase of about $50 per year.

Alderman Marr: The very original budget done by the Police Department in an ideal world based on our current population and growth would have had how many officers requested in the increase. The very initial submission.

Chief Johnson: I believe there were 23 officers. That budget proposal also included positions for detectives and a variety of personnel.

Alderman Marr: Of those 23 positions how many are in our budget without this property millage in the current budget that we are set to address at the next meeting?

Chief Johnson: Our target budget allows for two new officers.

Alderman Marr: 21 less than what you originally requested?

Chief Johnson: Just for clarity, when I asked for those officers I did it with the understanding that it would put tremendous pressure on the General Fund with really no expectation that I would realize all those gains in this budget cycle.

Alderman Marr: What did you hope to get?

Chief Johnson: I hoped to get whatever was affordable considering the budgetary constraints.

Alderman Marr: Are you confident to be able to say to the citizens of Fayetteville that the police portion of this 2.5 discretionary millage it is your full intention that this is needed and that this is not an extra.

Chief Johnson: Yes, definitely. I have plenty of justifications for that.

Alderman Marr: Are there any programs that you cut in the current budget not counting this 2.5 that would not have to be cut in order to get officers on the street.

Chief Johnson: There are no programs that would have to be eliminated.

Alderman Marr: So the bike patrol will continue and the resources officers in the schools.

Chief Johnson: Yes. I still reserve the right and the responsibility to make those programs be more efficient than they currently are but there are no plans to totally eliminate those programs.

Alderman Marr: What about car unlocks?

Chief Johnson: That is an efficiency issue; there is a certain cinergy that exists between those non-enforcement activities. I am just not sure it is in the police Departments or the citizen's best interest to have that level of expertise, talent, salary and cars out unlocking vehicles doing a private sector business. We can continue to do it in emergency situations but as a public service it is questionable. It is something I believe the Mayor intents on the Council addressing at some point.

Alderman Marr: Does the current budget allow for that.

Chief Johnson: It is not a budgetary issue. We unlock about 5,000 cars a year. It takes a lot of time and gas. It is one of those services that have been identified as a non-core service.

Mayor Coody: One factor that I think needs to be brought up is with these new high technology doors, side air bags, curtain airbags and high tech unlocks we could do damage to the vehicle.

Alderman Thiel: Why does the Council have to address locking and unlocking cars? Isn't that just a policy decision? We received notice that you were going to start that policy some time ago. I assumed it had been stopped.

Mayor Coody: I had too frankly but apparently it has been going on and the City Council does have a real interest in this, we didn't want to do anything the Council didn't want.

Alderman Thiel: My interest is to stop it. Can we vote on this right now?

Chief Johnson: We have reduced the number of unlocks significantly by creating a list of vehicles we simply can't unlock. We will continue to unlock cars in emergency situations. If it is the Mayor's desire at this point that we totally eliminate it we will do it. That is something we can talk about as an operational issue later on.

Mayor Coody: This came up in the zero based budgeting conservation about a year ago, there was no clear direction so I guess there was no clear action.
Alderman Lucas: I think in emergency's we should always do it other than that we have lock smiths.

Alderman Marr: It came up in the budget work section about why we needed to bring on firemen in 2005 for a station that would not be completed until 2006. You answered that in

terms of the training cycle. By bringing those individuals on do we get any savings like we had this year as it relates to overtime?

Chief Bosch: We will phase those in over the year, three at the beginning of every quarter which will allow us to utilize some of our overtime budget cost to pay those salaries. It will reduce our overtime and give us the staffing necessary to maintain out staffing levels.

Alderman Marr: Can that program be done in less time than a 12 month period?

Chief Bosch: We could do that; we could hire 4 in January, April and July and basically see the same type of savings that we saw in 2004. We were trying to stretch it out for as long of a period as we can so we can see some additional savings if possible.

Alderman Marr: The basis of my question is from June to June rather than January to December.

Chief Bosch: We can do that, what we will see is if we hire part of them in June we will still see some overtime at the beginning of the year.

Alderman Marr: If that fire fighter program of 12 fire fighters instead of being transitioned over a 12 month period. Would it allow us to do something less than the 2.5 mills?

Steve Davis: If you phase the fire fighters in beginning July 2005 for example?

Alderman Marr: Yes.

Steve Davis: Yes.

Alderman Marr: Do you know roughly what that would reduce these 2.5 mills to?

Steve Davis: One half years cost for the firefighters would be about $300,000.

Mayor Coody: So it would be about ½ of a mill.

Steve Davis: It would be close to ½ of a mill.

Mayor Coody: Since we wouldn't be collecting this until the end of 2005 anyway we would be phasing in firefighters before we really had the money to pay for them.

Steve Davis: That's true.

Alderman Marr: If I understood you right at the budget session we would start collecting the millage in October of that year. So if we brought them on in July we would have from July to October.

Steve Davis: We would have from July to October and then the full year cost would be in 2006.

Mayor Coody: Then we would have to boost the millage in 2006 to cover the full year cost.

Alderman Marr: This millage can not according to our City Attorney be dedicated to police and fire because it is a general purpose discretionary millage. If we get to budget year 2006 and someone decides we are not going to put it to police and fire will we as the Council have an opportunity to revisit and either reduce or do away with that millage if it goes towards something that we don't agree with.

Kit Williams: The millage has to be adopted every year. The City Council has the right to adopt up to five discretionary mills for the general government and then you also have the right to budget. You can budget as you please with that general revenue that comes in.

Alderman Marr: Or choose not to continue it?

Kit Williams: Yes.

Mayor Coody: I give my personal assurance that if we pass this millage for fire and police personnel you will get for that millage fire and police personnel.

Alderman Odom: This 2.5 millage proposal has not been a part of our budget talks until today. I quite frankly haven't had enough time. I understand we are under some type of deadline but this is pretty important.

Mayor Coody: We have been talking about having to increase the revenue stream for months. Whenever I brought up how we can increase our revenue to fund more fire and police, I have said it in such a way hoping the conservation would start and it never started so I thought there was no support for it by the Council. I did not want to bring something forward because I felt there was no support from the Council. I was not being assertive enough.

Alderman Cook: I agree with Conrad. I think we need time to get comments from the citizens. I would then most likely support it because I think the fire, police and the roads are the three biggest priorities that we have in the City. I don't deny that we need the millage or that we need the extra personnel in fire and police, I certainly hope that we discuss that along with the street proposal. I think we should bring those all together at once so people can see exactly what they are paying for.

Alderman Thiel: It is my understanding that if a millage is put before the voters it can be designated for a certain use.

Kit Williams: The Library millage has a specific place in the constitution that authorizes it as well as the police and fire pension plans. I would have to research and see if there is specific millage that the voters could vote in. We would have to find the authority to give us the right to make that kind of tax.

Alderman Thiel: The voter`s can't vote in a millage?

Mayor Coody: You are talking about the difference between dedicated millage and discretionary millage.

Alderman Thiel: Right. I am also uncomfortable about voting on this tonight. I think this is going to be something that will be controversial. We have been putting a lot of things on the back burner that might factor into our revenue stream for next year.

Alderman Reynolds: I am going to support this for one reason we need a fire station in south Fayetteville and we have to have the employees to man it.

Alderman Lucas: Is there any other way that we can fund these policemen and firemen?

Steve Davis: There are limited sources; if we had capital expenditures that were in the General Fund that we could move to another funding location we might be able to free money up that way. Our total capital expenditures in General Fund are about $50,000 so that is really not an opinion. We could generate some increased revenues through user fees; I think that would be limited to around $200,000. My expectation is that as we go through the budget, there is millage and there is approximately $800,000 we could raise by increasing the franchise on the electric, gas and telephone utilities. It will have more of an impact on those folks that are on a fixed income. I don't think there is any other real source of money to fund 12 firemen or 12 additional policemen.

Alderman Lucas: Would voting in a millage affect the TIF?

Kit Williams: No, it would not affect the TIF.

Alderman Rhoads: It would affect the amount of money that you would realize from the millage right?

Kit Williams: In the future.

Alderman Rhoads: If you did another TIF District in Fayetteville you would continue to cut into that?

Kit Williams: The city would not be seeing increases. Once you pass it and issue bonds then it is going to be in existence until the bonds are paid off. The millage must be decided and passed every year by the City Council.

Alderman Marr: It is not easy leadership but it shows leadership to bring forward something that is not popular. We have talked about diversifying our revenue during the three years that I have been on the Council. We continue to be dependent upon sales tax totally, we continue to annex land and don't get the benefit of the property value piece of that, our school systems do. Citizens look at their total tax bill and they don't really care what goes where, they look at their total bill. We run our city without the use of a revenue stream. A revenue stream is important and necessary to be diversified. I think it is very smart to bring it forward. I think we are fighting with fire when we continue to bypass the discussion of looking at this as a revenue stream. I don't think Fayetteville is going to fall apart and every thing is going to move north because I think we have a great quality of life, a great University and amenities in this city. We do stand at risk at losing retail business and new malls coming in and our sales tax going somewhere else and having nothing to look at and being a year behind to be able to talk about this. I will take responsibility too.

Alderman Jordan: We are running $1.7 in deficit is that Correct?

Steve Davis: That is correct.

Alderman Jordan: Will the increase help us with the deficit not this year but the following year?

Steve Davis: My expectation is if we can move Central Emergency Medical Services from tax payer funded to a public utility model and if the library moves to their own independent millage, we have an opportunity to balance the General Fund budget in 2007.

Alderman Lucas: I struggle with the fact that we have not had enough input from the citizens, but we have had input from the citizens that they want police and fire safety. I don't feel uncomfortable supporting this because of that.

Alderman Cook: My problem is the short timing. I would support the full 5 mills if we had a plan for police, fire and roads. I do support the general idea I am just uncomfortable at this eleventh hour.

Mayor Coody: If we don't do it we will be a year out and again strapped with too few patrolmen and too few firemen and we will have to live with this situation for another year. We have been talking about this for the four years that I have been in office.

Alderman Thiel: This is a less regressive tax than sales tax and some of the other forms of revenue sources that we might have.

Mayor Coody: Do the senior citizens of a particular income bracket have their property tax rates fixed?

Steve Davis: I believe the appraised value is capped for those that are 65 and older and I believe there are other provisions for those that are disabled. Every property owner for their home occupied house has a homestead credit also of $300.

Brice Curry, a resident stated for a business owner we still pay property taxes that a home owner no longer has to pay. When you enact this tax you will really be increasing the tax a business owner will have to pay.

Mayor Coody: Do we collect millage on personal property?

Steve Davis: The ordinance states real and personal property.

Mayor Coody: Is there a cap on what I pay the City of Fayetteville on property taxes?

Steve Davis: Not on property, there is on the sales tax when you buy it but not on property.

Mayor Coody: We wouldn't be doing this just for the police, we are doing this for ourselves, we are paying for the benefit for living here in town.
We had to wait until we got the word from the County about our roll back number because that would affect whatever millage that we would pass for 2005. We just got those numbers back

two weeks ago. We spoke to the County yesterday and they stated they needed our millage rate passed and given to them tomorrow. We were not expecting that, we thought we would have more time. This is unfortunate and I hate it but if we don't pass something tonight we will not be able to until this time next year. We will continue to be dramatically short of manpower in our police force and we will not be able to staff the new fire station we want to build on the southeast side of town. If we implement this millage we would still be far below what every city in the corridor has been charging for years.

Geary Lowery stated that we need more policemen and firemen. If your property goes up in appraised value then you taxes go up we should expect that. He asked if your homes and lives are worth 20 cents per day. When it comes to the needs of the community, this community needs more policemen and firemen. This is not something we want it is something we need and we need to increase our taxes to get them.

Alderman Marr: Are we absolutely positive that there is no way that Washington County can extend by longer than one day our submittal of this. Did we ask is there any way possible under any law to extend this further?

Mayor Coody: Sondra did you ask that question?

Sondra Smith, City Clerk: I did not ask if there was any way possible under any law that we could extend the deadline. I did send them a letter on October 8, 2004 asking for a 60 day extension. December 8, 2004 would be the end of the 60 day extension. The County Clerk told me she absolutely had to have this first thing in the morning. I assumed she knew what she was talking about and I did not go into detail as to why she absolutely had to have it by Wednesday morning. She did tell me the Quorum Court meets Thursday. I did not ask for another extension or what else we could do to extend this deadline.

Mayor Coody: What I can do if this gets voted down is call Jerry Hunton and ask him by the mercy of the court if they could give us another two weeks or so to figure this out.

Kit Williams: I would recommend that you pass some ordinance tonight. I would not recommend that you not pass a millage assessment ordinance because we might find out that we can't extend this.

Mayor Coody: We would need to pass at least the 1.8 mills tonight.

Alderman Rhoads: I think I would be more apt to vote for the 1.8 mills. I was looking over the third quarter performance reports from all of the different departments and on the Fire and Police Departments. As I look at their reports they both have had good years. Response time is down for the Fire Department, if you look at some of the things that they use for their performance measures, over time they are down drastically for the police. There are a number of things that indicate that yes we do need more police, we want to maintain the reputation that we have. Maybe with 1.8 and what I am reading here we might be able to make it work by completely cutting out unlocks and things like that. Just maybe do it the old fashion way where you tighten your belt here, you quit doing some things here and eliminate some jobs that aren't core or necessity. I support the 1.8 and then hopefully we could get some mercy from Judge Hutton and we could then perhaps change our mind and up it two weeks from now.

Alderman Odom moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4653 as Recorded in the Office of the City Clerk

A discussion followed on when to have a city council meeting to revisit the millage if another extension is granted.

PUBLIC HEARINGS:

Mayor Coody opened the Public Hearing.

Cardinal Cab Company; Certificate of Public Convenience and Necessity: A resolution granting a Certificate of Public Convenience and Necessity to Cardinal Cab Company for the operation of a taxicab service within the City of Fayetteville, Arkansas.

Greg Tabor, Police Department: Currently we have two cab or limo companies operating legally inside the City of Fayetteville; it appears we also have several operating illegally. We will be making attempts over the next few weeks to address those people that are not operating in compliance with the ordinance.

Mayor Coody: Who has been operating illegally?

Greg Tabor: There are several, I believe Mr. Curry operates a limo service and he does not have a certificate. CTS does not have a certificate even though they have applied for one we put them off because this ordinance was in the process of being changed. There are some more since this has come to the forefront. We are trying to watch the streets for cars and limo signs because there are people out there that we have never heard of.

Last Tuesday the Council asked us to make some recommendations on the number of cabs that we need in the City of Fayetteville. We have failed on that. It seems that most of the information out there on cabs is based on the city's voucher program. The Community Resource Division runs a program to where they give coupons to citizens for taxi service. In 2002 and 2003 they gave approximately 11,000 of those coupons out. In both years 65% of those coupons went to Tony C's and 35% to Cardinal. That is the two cab company's that are currently operating legal inside the city limits. We talked to both of these companies about their call volume. Tony C's averages between 1,500 and 1,600 calls per month, Cardinal around 1,400 so there are approximately 3,000 cab trips in the City of Fayetteville every month. The average

response time for Tony C's is 25 minutes and the average response time for Cardinal is 37 minutes. I might add that when I spoke with Judy at Community Resources she said it is very common for them to get complaints about people waiting two hours on taxi cabs. The average trip distance for Tony C's is 3.5 miles the average trip distance for Cardinal is 2.8 miles.

Mayor Coody: Why would it take two hours to get a cab?

Greg Tabor: I don't know the answer to that unless there are so few that they are all busy.

I might point out the question Alderman Reynolds had about for hire tags. It is the opinion of our City Prosecutor that any vehicle for hire must have for hire tags whether it be a cab or a limo, if the car is for hire it must have for hire tags on it.

Cardinal Cab has completed the necessary paperwork for a certificate; he has also provided a copy of his insurance to me. Cardinal has requested a minimum of two cabs be permitted and a maximum of three. They have two cars insured through their insurance policy. The policy is vehicle specific, he can not trade out if one of his vehicles if it breaks down, he can not bring another one in.

Alderman Lucas: So there are two cars insured?

Greg Tabor: That is correct, according to his agent.

Alderman Reynolds: So will we decide what two cars pass inspection for the decals and that is all he will be allowed to operate?

Greg Tabor: He only has two insured; it is a requirement to have them insured so those two are the only ones possible that he could bring to be inspected.

Alderman Marr: To your knowledge have there been any complaints on this cab company.

Greg Tabor: Not that I am aware of, but I don't know if those would come to the Police Department. The only compliant that I heard was from the Community Resource Division and that was the lengthily wait time.

Curly Prim, Owner of Cardinal Cab stated they do the best they can with what they have. They try to get there as quickly as they can but the way the traffic is anymore the response time is hindered by the traffic. We are in the process of updating our cars; we try to treat the people right. I have for hire tags and insurance. I try to do things by the law.

Mayor Coody: Where is your shop that you dispatch out of?

Curly Prim: I am out of Springdale.

Mayor Coody: So that is why it takes 2 hours?

Curly Prim: A lot of times they will call you and say it took two hours to get to them but if you will look at our records it will show you the time we pick up and drop off. We have meters in our vehicles.

Alderman Reynolds: Do you run Fayetteville and Springdale.

Curly Prim: We usually try to have one cab in Fayetteville and one in Springdale.

Alderman Reynolds: You heard the Police Department say that you have two cars insured and that is the only two that you will be able to use if they pass our inspection?

Curly Prim: Yes. They will pass your inspection.

Kit Williams: What the City Council is doing here is finding that a taxi cab service is required by the Public Convenience and Necessity and that the applicant is fit, willing and able to do it. If you determine that then in fact you should pass this resolution.

Alderman Rhoads: If we felt we needed two cabs or two hundred cabs we could approve as many as we feel we need to.

Kit Williams: Yes you can, as long as you believe there is a public need for it you can approve it.

Robbie Robertson, General Manager of Cardinal: What I understood about the insurance is that we are only allowed those two cars; if one went down we could only insure those two. If we lost one I can call and have one taken off and another one put on. So we can always have two on at all times. I always have a third backup, it takes me 24 hours to get one switched for insurance.

Kit Williams: As long as the vehicle has been inspected and is properly insured and you are authorized to then you would be able to have two. It would have to meet all of the requirements.

Robbie Robertson: Regarding response times sometimes those long waits are during the peak times when people are going to and from work. We have people that make time calls to go to work or a doctor's appointment; they call us and let us know what time they need us. If we get six calls at 9:00 we take them as we get them.

Alderman Lucas: Do you let them know that it is going to take that long.

Robbie Robertson: Usually it doesn't take that long, but if we have a lot of them if they ask how long it is going to be and we know we will tell them. If it is an emergency we will try to work them in quicker or have them call emergency services. I have even called Tony C's myself to see if he had one available to pick them up.

Alderman Reynolds: If you use a third car, a backup car, it has to have a decal on it.

Robbie Robertson: I have it painted and decaled. It wouldn't take me long to get it down here, get it inspected and put it on line. I could probably do that within 24 hours. I will already have it sitting there if we need it.

Alderman Rhoads: Could I clarify the process, Kit are we trying to determine who the finest cab operator in the world is or are we trying to determine just what the need is?

Kit Williams: Just whether there is a need and if there is a need for taxi cab service is this person capable, willing and able to perform that.

Alderman Rhoads: I don't want to usurp the police's function of screening them and determining who is qualified. We are to make that decision as well?

Kit Williams: Well, yes it says that *the City Council will find whether the applicant is fit, willing and able to perform such public transportation and to conform with the provisions within this subchapter.* You will rely upon what the Police Department has said and the Fleet Department to properly inspect the vehicle.

Alderman Rhoads: And what we hear tonight?

Kit Williams: Yes.

Alderman Rhoads: Does this give them a license for a year?

Mayor Coody: Is this an annual license?

Kit Williams: No. I think that once they get it as long as they comply with our ordinance they will maintain that certificate. You can probably revisit it and revoke it if there is a problem.

Alderman Rhoads: Can the Police revoke it on their own if they don't have insurance.

Kit Williams: That vehicle would be disqualified whether they have a certificate of insurance or not they still have to have a qualified vehicle.

Alderman Rhoads: Can the Police revoke it themselves without having to come to us.

Greg Tabor: I believe the ordinance says that the Police Chief or his designee can suspend and then it would come back to the City Council.

Alderman Reynolds moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 204-04 as Recorded in the Office of the City Clerk.

Alderman Rhoads moved to add amending Chapter 117 to the agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

CTS Airport Shuttle and Limousine Service; Certificate of Public Convenience and Necessity: A resolution granting a certificate of Public Convenience and necessity to CTS Airport Shuttle and Limousine Service for the operation of a limousine service within the City of Fayetteville, Arkansas.

Greg Tabor: CTS is only asking for a limo and airport shuttle certificate, they are not asking for a taxi cab. Mr. Huddleston has provided an application for the certificate, two insurance policies and seven vehicles to be on his certificate. I checked with his insurance agent and he does have seven vehicles with both of those policies insured. I think you have over the last week or two some correspondence from the City Attorney describing what his opinion of a limousine is and what it would take to operate as a limousine according to this ordinance. Mr. Huddleston is one company that was operating illegally. He does not have a certificate. He did apply for one and we held him off until this procedure could be ironed out. I believe prior to that time he had been issued some citations by the Police Department for operating his company or his drivers outside the ordinance. We have also received several complaints; I believe mostly form other cab companies about CTS. I believe their compliant was that he has a scanner in his vehicle or office; he would hear their calls for service and would call his drivers and jump on their calls.

Alderman Reynolds: Does Mr. Huddleston have for hire tags on his limos?

Greg Tabor: I do not know the answer to that but according to the prosecutor he will be required to do that.

Alderman Marr: Can you refresh my memory on the memo? What is the major difference between a taxicab service and a limo service?

Kit Williams: You would initially look at the ordinance which defines the terms. According to our ordinance it defines a limousine *as transportation service over the streets of the city in a type of automobile commonly referred to as a limousine and having a manufactured seating capacity of at least eight persons including the driver, this definition excludes taxicabs.* You would either have taxicabs or limousines. Probably the first rule in interpreting an ordinance or a statue is to construe it just as it reads. I looked up the definition in a dictionary. There were two definitions for limousines. A limousine is either a *large luxurious often chuffer driven sedan that sometimes has a glass partion separating the drivers seat from the passengers compartment.* So it is either a large sedan or *a large vehicle for transporting passengers to and from an airport.* A lot of times it is going to be a van it is not going to be a sedan. If it is to and from an airport then it still qualifies as a limousine. If it is just going to drive around town it would have to be a large sedan, according to our definition with a seating capacity of eight people which is a large sedan, a large stretch sort of vehicle I think.

Geoff Huddleston, CTS: Basically what our company does is go to and from hotels and to the airport and back. We also have a stretch limousine, it is a 120 stretch, it is one that we don't normally use because a lot of our business in Northwest Arkansas doesn't require a stretch. We have a Mercedes sedan, a suburban, a navigator and an expedition that we use. That is about 90% of our business, about 10% of our limousine business is with a stretch and that is all over Northwest Arkansas. The stretch business isn't a really good business it's there, it is a part of it but it is nor our core business. Our core business is when corporate executives come in to see Wal-Mart, Tyson's, J.B. Hunt or the University. We also do a lot of hotel business. We have two large buses which are designed specifically for airport shuttle; they have the capacity of holding 12 passengers and their luggage. We have vans that we use that are 8 passenger Chevy astro vans. We do have airport cars that work out at the Northwest Arkansas Regional Airport that come into town. Those cars will not be used in the City of Fayetteville to pick up a passenger for any reason. We are not going to go and sit on Dickson Street and try to pick up

passengers, that is not what we are looking for, that is not what we want to do. We are basically wanting to run our corporate business, stretch business and our shuttle business to and from the airport.

As far as the tickets, yes one of my drivers was ticketed in the City of Fayetteville and we have paid those fines. We did take care of that. We do have for hire tags on the vans that work in Fayetteville; they will be on every car that we work in Fayetteville. We do have insurance.

Alderman Reynolds: So you are a limo and you are not a taxi service.

Geoff Huddleston, CTS: No sir, we are not. We are basically a limo and an airport shuttle service. We are not going to go to someone's house pick them up and take them to the grocery store or the doctor's office. We don't do that. As far as having a scanner, I don't own a scanner and no one in my company owns a scanner. The only time we pick up form the hotels from someone else's calls is when they don't show up when they are suppose to and the hotel calls us. We will then go pick up the passenger and take them to the airport. That is basically what we do?

Alderman Reynolds: Who ran the operation that is called rides for tips or tips for rides?

Geoff Huddleston, CTS: I have no idea I have nothing to do with that, I have no idea who that gentleman was.

Alderman Reynolds: You weren't involved in it?

Geoff Huddleston, CTS: No sir.

Alderman Reynolds: As long as you are a limo service and not a taxicab business. If the police find you picking up passengers elsewhere then you will be ticketed under this new ordinance. We are trying to clean it up, you understand that.

Geoff Huddleston, CTS: We do have passengers in our sedans that we do take out to dinner, but we are not going to be soliciting any business other than to and from the airport and the shuttles. You are not going to see one of my shuttle vans sitting on Dickson Street trying to pick up people because I don't want to pay the fine. I just paid one fine; I am not going to do it again.

Alderman Reynolds: I believe you and I think you will live up to it, if not the Police Department will take care of you.

Geoff Huddleston, CTS: Yes, and I don't want to deal with that again. Once was enough for me.

Kit Williams: Do all of your limos have a manufactured seating capacity of eight people?

Geoff Huddleston, CTS: All of our stretch.

Kit Williams: I am talking about all of the vehicles you have.

Geoff Huddleston, CTS: The suburban, expedition and navigator have it. The Mercedes does not have it, it is a six passenger.

Kit Williams: Unless the City Council sees fit to amend the definition of limousine then that would not qualify.

Alderman Rhoads: So there are only four that you are going to use in Fayetteville.

Geoff Huddleston, CTS: We have the two 12 passenger vehicles that we will be using from the airport and then the 8 passenger astro van.

Alderman Rhoads: Seven vehicles, but not any vehicle that is less than eight passengers.

Geoff Huddleston, CTS: No sir, no vehicle that is under eight passengers.

Kit Williams: You at one time said you would take your clients to a restaurant. Where would you pick them up from to take them to the restaurant?

Geoff Huddleston, CTS: They may come from their hotel; they may hire us for the night from their home.

Kit Williams: So this is the limos not the airport shuttles.

Geoff Huddleston, CTS: The two buses and the van will do nothing but to and from the airport. They will not go anywhere else and pick up anywhere else. Limousines are hired by the hour. We may pick them up from the airport and take them to a restaurant and then take them back to the airport.

Alderman Reynolds: You named seven vehicles that you are going to use in Fayetteville, correct?

Geoff Huddleston, CTS: Correct.

Alderman Reynolds: According to the insurance company you have seven vehicles insured. What about the other car that you said you are not going to use in Fayetteville?

Geoff Huddleston, CTS: It doesn't have the same insurance on it for the City of Fayetteville.

Alderman Reynolds: So you are not going to use it in Fayetteville?

Geoff Huddleston, CTS: No sir.

Alderman Reynolds: Just the seven.

Geoff Huddleston, CTS: Yes.

Alderman Marr: Often I will go out of town and will have a car there to drive me where I am going for the day and at the end of the day pick me up. I consider that a for hire driver, I do not consider it a taxicab. We don't allow for hire driving unless it is an eight passenger vehicle?

Kit Williams: That is the way the definition is now. Certainly you are entitled to alter that definition and not have the requirement for an eight passenger vehicle.

Geoff Huddleston, CTS: When I originally read the ordinance it said six passengers including the driver. That was the original ordinance.

Alderman Reynolds: We are just trying to define between a taxi and a limo.

Alderman Marr: I think it is a real situation where you give people who do for hire driving, that's what I call it I don't know what it is called in the industry.

Geoff Huddleston, CTS: We call it sedan service.

Alderman Marr: Some car service that picks you up takes you where you are going and comes back and gets you. You have reserved the car and it is not running around.

Alderman Reynolds: He is allowed to do that.

Alderman Marr: We will revisit the ordinance later.

Tony Catroppa, Tony C Cab Company: Mr. Marr I would like to answer your question. You asked what is the difference between a taxi and a limo, a taxi is $7,000 per year to insure and a limo is under $1,000 that's the difference.

Brice Curry a resident: I am here because I do have a limousine service in this town. I have had my limousine service in this town for probably three to four years. I do not have a license and did not know that there was a license required. That is my fault because I do own a business and I have licenses from the state, but I did not know there was a city license. I run four limousines in this town, two of them are stretch limousines and then I have what is called limousine coaches, these are customized buses; they are built by limousine companies. The limousine coaches that are buses, one of mine seats 22 people and the other one seats 15. They are built by limousine companies, they have the interior of a limousine and they look like a limousine so we consider those limos. Almost any limousine company that is out there runs what they call their limos but then they also have sedans. The reason for these sedans is corporate business so they don't have to worry about a shuttle. Every company that is out there that is a reputable good limousine company run sedans.

You are getting into what is a taxicab and what is a limousine, sometimes in this town there are a few cars that are driven around that look like what we call our sedans. Maybe you need to look and see what you really want a taxicab to be in this town. A limousine is a totally different thing you have a different driver. That is pretty much what we do when we run our sedans. I have applied for my license through the Fayetteville Police Department and all my cars are insured. I don't pay a $1,000 per year for insurance on my limousines. Every one of my limousines are anywhere from $3,000 to $4,000 to insure because they are not $5,000 cars. All my cars are expensive you are welcome to come out and look at them, they are state of the art cars and I keep them up. They are nice, if I get a dent in one it's repaired, if I have a bad tire I put a new tire on. They are serviced constantly. I consider myself a very excellent and experienced limousine company.

Alderman Reynolds: I looked at his vehicles and he has a nice fleet.

Alderman Thiel: Are they eight passengers?

Alderman Reynolds: They are more than eight passengers which classifies them as a limo.

Tony Catroppa: I am sorry but a taxi is a taxi and a limo is limo. I am the largest taxi service; the reason being is liquor liability because I have eight clubs. I want to make sure my clients get home safely, if they crash and burn then I have a lawsuit. Liquor liability is almost prohibited. If these people are going to use these cars as taxis. If I quit there is not going to be a taxi business on account of the insurance factor. I have 27 cars, I am self insured, I have a $5 million financial statement or I couldn't do it. If you have to have taxi's that have to pay $7,000 a year in insurance then you are not going to have any taxis. I worked with you to try to tell you what is going on here. If you let these people tell you that these limos are not taxi's and let them bring them in then there is not going to be a taxi business, mark my words, there will not be one.

Curly Prim: What kind of license does a limo driver have to have to operate a limo? On a taxicab you have to have P for passengers anything over 15 passengers you have to have a different qualification. State of Arkansas law states that anyone hauling people for passengers for hire has to have for hire tags on their vehicles, it doesn't make any difference what it is. I have seen a lot of these limos out there that do not have them. Integrity and honesty should be one of the main factors in granting a permit to someone. He ran his cars even after the City Council told him not to run his cars in Fayetteville he continued to do it. Is integrity any part of our business or not.

Geoff Huddleston, CTS: You have to have a passenger endorsement for anything under 13 passengers plus the driver. Anything above that you have to have a CDL, it doesn't matter if you are a limousine, a taxi or whatever.

Alderman Rhoads: Would it be beneficial to hear the other resolution at the same time and then after we hear everything decide?

Mayor Coody: You mean the next resolution Tony C's?

Kit Williams: You could continue the public hearing and open it for the final company.

Alderman Marr: What would be the basis for that?

Alderman Rhoads: It sounds like there is competing interest, as opposed to deciding on one and then hearing different factors that may have an influence on this one that we are talking about now. I would rather not make that decision until it is all said and done.

Mayor Coody: Is that the Council's wish? We will go ahead and change the conservation now to the Tony' C's taxi and limo service Certificate of Public Convenience and Necessity.

Greg Tabor: To go back to CTS for just a second, the City Attorney and I had some conservation earlier this week about Alderman Marr's question. I think when we did the ordinance our initial thought was if a four passenger sedan could be a limo or a car for hire you

are not going to know that it is a limo or a car for hire at first look. Whereas if it was just a taxicab you would know it has to be operating as a taxicab when you see it on the road, I think that was what we were thinking when we did that. I believe that Kit feels like you, that maybe the ordinance needs to be changed and that any vehicle going to and from the airport should be classified in the limousine status.

Kit Williams: I think it would make it easier to enforce this ordinance to ensure that limousines were not operating as taxicabs if you kept the definition of a large sedan or a seating capacity of eight. It makes it more obvious if they see a limousine acting as a taxicab as opposed to a limousine. If they are driving a small vehicle or a vehicle that would normally be a taxicab, which is seven persons or less, and going around to a restaurant and it is not a taxicab but is licensed as a limousine it is pretty easy to see it. If they are the same vehicle and we don't have a requirement that changes the difference in seating capacity it makes it much more difficult for the police to be able to enforce the law and ensure that limousines are operating as limousines and taxicabs are operating as taxicabs.

Alderman Marr: But doing that would limit the fact that in Fayetteville you could not have a sedan car for hire like Mr. Curry's business, not bus limos or limos, but the traditional car that picks you up is that what I am hearing.

Kit Williams: Not in this particular ordinance. That is an enforcement issue.

Alderman Marr: I guarantee it is happening every week.

Greg Tabor: I believe the way the ordinance was written you could come from the airport into Fayetteville and be dropped off in a four door vehicle and not be in violation of the ordinance. It is only if they came to the motel the next morning and picked you up that they would be in violation of the ordinance.

Kit Williams: No, I don't think that is correct. I think the definition of a limousine says a large vehicle from the airport.

Alderman Marr: Just the fact that we've had this discussion come up in all three of these, I believe this needs to be further defined because I think it happens. I have watched it happen. People coming to Fayetteville from Bentonville and not having an office in each town. I myself use a service when I go out of town. I don't know that we want to limit that if we are going to be where the world's number one retailer is. One of the largest vendors to that retailer is housed in Fayetteville.

Alderman Thiel: I agree, when you go to New York you get a yellow cap or a sedan and they are very easy to identify, the sedans all look just a like. Maybe that is what we need to do make a uniform color on everything. The ideal of the stretch limo being the only sedan, I think we need to readdress that issue.

Kit Williams: That is certainly your prerogative.

Mayor Coody: We just need to define limo then.

Alderman Rhoads: Can we do it here and now and try to knock this thing out so these people don't have to come back? If we need to distinguish them for enforcement, then Kit would color code work?

Kit Williams: There are things to identify them in the ordinance, designation of vehicle by insignia or the like, Section 117.42.

Alderman Rhoads: Is there enough significant stuff so they can enforce it properly?

Greg Tabor: It has a light on top.

Alderman Rhoads: That is easy enough. Then all we have to do is eliminate the eight passengers and take it down to a driver and five passengers for limos and therefore you could have the car for hire.

Kit Williams: You could just change the eight to 6 or 5.

Alderman Thiel: Do we have to designate the number of passengers?

Kit Williams: You can just say commonly known as limousines and leave it at that if you want to.

Alderman Lucas: How would you identify if it was a limousine or a taxi?

Greg Tabor: In the ordinance a cab has to have a light on top.

Kit Williams: If you didn't have the eight passengers in the ordinance it would just be a large luxurious sedan and so a town car would probably fit that.

Mayor Coody: Do we need to amend the ordinance.

Kit Williams: Yes.

Alderman Rhoads moved to amend the ordinance to delete the language that requires eight passengers. Alderman Marr seconded the motion. This motion was not voted upon by the Council. The Council had to Suspend the Rules to add this discussion to the agenda before a motion to amend the ordinance could be made.

Kit Williams: The amendment would read *limousine service will be defined as transportation service over the streets of the city in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.*

Alderman Lucas: Where does it identity that a limousine service is going to be to the airport?

Kit Williams: You would have two kinds as I quoted the dictionary before, if you don't have it specifically designated in here then you go to the dictionary and the dictionary says a *large vehicle from the airport or a luxurious sedan.* That is your definition that the police could use.

Greg Tabor: Is it my understanding then on a five person one it could only come and go from the airport? Is that the way the ordinance is now?

Kit Williams: No it could be a large vehicle from the airport, it would not have to be a sedan, it could be a bus or a van or something like that from the airport. The limo itself would be a large luxurious sedan.

Greg Tabor: There is no way you can do a car for hire except from the airport?

Alderman Rhoads: They can go to the airport; they can drop people off at a restaurant and so forth.

Kit Williams: In addition to that you can have vans and buses from the airport which would not qualify as an in town vehicle.

Mayor Coody: Is everyone clear?

Council: No.

Greg Tabor: I think you see why this has been avoided for so many years.

Mayor Coody: We have a motion and a second to amend but is everyone comfortable with the amendment?

Alderman Reynolds: We have had a lot of meetings and have been a year to trying to get it this far. What we are trying to do is to get it where everyone is not using scanners or whatever and picking up calls from cab companies and taking people places. We are trying to define it to where everyone is running legal and the Police Department can watch that and take care of that law. I think that us changing this will put us back where we where.

Alderman Lucas: Maybe they all should be taxicabs.

Kit Williams: Before you can consider this you will have to suspend the rules, because this is not on the agenda to change this and place the amendment of this section of the code on the agenda.

Alderman Thiel: I do not understand why if it is an eight passenger stretch limo or a sedan for five passengers makes this such a big change. I don't understand that part.

Alderman Reynolds: Well maybe you need to be on the taxi committee so you can help work this out.

Alderman Thiel: Ok, so as long as it is a stretch or a long limousine then?

Kit Williams: What I would recommend is that we go ahead and complete the public hearings that we have already scheduled tonight and then if this needs to be changed again, Alderman Thiel is on the Ordinance Review Committee and we can make whatever changes that needs to be made at that committee.

Alderman Rhoads: Except we have everyone here that we need, we have all the taxi companies; we have the Alderman, the police folks and the finest City Attorney.

Mayor Coody: Kit you have read your amendment to the ordinance; we need to suspend the rules to put this on the agenda if we want to resolve this.

Kit Williams: Yes you would have to.

Greg Tabor: The way the ordinance is right now it would be impossible for Alderman Marr to hire a car to go from his office in Fayetteville to go to his office in Bentonville. Because it is not a stretch limo commonly driven by a chafer or it is not coming to or from an airport. He would have to use a taxi for that purpose.

Mayor Coody: Unless we amend it.

Greg Tabor: Even with it amended I believe.

Kit Williams: No, I think if it was amended it would be alright because it doesn't have to be a stretch limo, it has to be a luxurious sedan.

Mayor Coody: Because we are deleting the passenger requirement.

Alderman Marr: I actually realize that we want to get this thing done put I think that we are at a point where it isn't going to happen. We are better off looking at cities from the definition standpoint because this is not a problem that is unique to Fayetteville. Anywhere that has a business center and an airport uses for hire drivers and taxicabs and limos. I think we are missing an avenue in all these definitions that is used in our city. If we can't do it now then we are better off to do it at another meeting.

Mayor Coody: Is it your intent that we go through the public hearing and determine the Certificate of Necessity and then amend the ordinance to define passenger capacity later.

Alderman Reynolds: We could sit here and work it out.

Mayor Coody: I think there is a motion and second.

Kit Williams: The motion was to suspend the rules and add this to the agenda was that the motion.

Sondra Smith: No the motion was to amend the ordinance.

Mayor Coody: That is not a valid motion. Is there a motion to suspend the rules and a second to put this on the agenda?

Alderman Rhoads moved to suspend the rules and add amending the ordinance to the agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Kit Williams: We are talking about Section 117.60 Definition of Limousine Service.

Mayor Coody: Kit you have a good head on your shoulders and you have been hearing what has been going on, what recommendation would you make to this Council that you think might make everybody as happy as they can be.

Kit Williams: I think if you simply strike *and having a manufactured seating capacity of at least eight persons including the driver* the situation that Don is concerned about will go away. We will be relying totally upon the normal definition of a limousine which is either a luxurious sedan or a large vehicle that serves an airport.

Alderman Rhoads: We will still be able to define a taxicab by a flashing light on top.

Kit Williams: Yes and the rest of that definition is that *this definition expressly excludes taxicabs.*

Alderman Rhoads moved to amend the ordinance to strike and having a manufactured seating capacity of at least eight persons including the driver. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Alderman Marr moved to approve the Certificate of Public Convenience and Necessity for CTS Airport Shuttle and Limousine Service. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-1. Alderman Thiel, Cook, Marr, Rhoads, Odom, Lucas and Jordan voting yes. Alderman Reynolds voting no.

Resolution 205-04 as Recorded in the Office of the City Clerk.

Tony-C Taxi & Limo Service; Certificate of Public Convenience and Necessity: A resolution granting a Certificate of Public Convenience and Necessity to Tony-C Taxi & Limo Co., LLC for the operation of a taxicab and limousine service within the City of Fayetteville, Arkansas.

Greg Tabor: Mr. Catroppa has applied for both a taxi and a limo. He has filled out the application for a certificate. He is asking for a minimum of six vehicles and a maximum of 12. He did provide a copy of a letter from the Arkansas Department of Finance and Administration that he is self insured. I think Kit was looking into that to see if that is in compliance with the ordinance.

Kit Williams: The ordinance states that you will provide a policy it doesn't say you can be self insured. Even if you have a number of vehicles within the State and you fulfill whatever the State requires. The state allows you to be self insured, but that is not what your ordinance says.

Alderman Rhoads: If you are self insured, you can issue yourself a policy?

Kit Williams: No, you have to fulfill some financial stipulations with the insurance commissioner I think. I am not an expert on this; you have to have a certain number of vehicles and try to show that you are financially sound enough to pay. I had experience with that and sued a trucking company that was self insured and they did not pay.

Alderman Rhoads: Does the applicant have excess or umbrella insurance or any thing above the initial self insured?

Greg Tabor: All he provided me was a letter of self insurance.

Mayor Coody: The letter was from whom?

Greg Tabor: The Department of Finance and Administration.

Alderman Rhoads: Mr. Captronna: Do you have any kind of insurance above your self insured retention?

Tony Captronna: I just did what the State required. I gave them my financial statement put up property and then they self insured me. That was all that was required.

Alderman Rhoads: I am not suggesting that you go out and buy a bunch more insurance, I am just wondering if you already have insurance in place above what your self insured retention might be then they could issue a policy and then you would meet the requirements of the ordinance.

Tony Captronna: I don't believe so. All I have is what was required by the State. It is quite an ordeal to get that, I worked on it a year and a half to get that self insured certificate.

Mayor Coody: It looks like the two options are that we have to turn down Mr. Captroppa or amend the ordinance.

Alderman Marr: It is on State letterhead, it's approved by the State, and it was good enough to get recognition at a State level, a higher governing body than we are. It is probably stronger in some cases than the ability to pay a premium. I am curious why we have it listed as an insurance policy and not coverage.

Tony Captronna: I have $5 million in land and assets up that if anything happens they take them. I was a year and a half in the process of doing it so I don't understand.

Mayor Coody: Do we need to amend our ordinance to allow this?

Kit Williams: Yes, you would have to and it will be a more difficult than the last amendment.

Mayor Coody: Do we need to add this to the agenda as well?

Alderman Marr: Do you think it is something that could be solved tonight?

Kit Williams: I would recommend if you want to do this that you grant him a stay of grace until the City Council can meet again and allow us to actually draft the language.

Alderman Rhoads: Is it not just as simple as the applicant must produce some form of coverage versus a policy?

Kit Williams: I wouldn't want to say some form of coverage. That is not very good language.

Alderman Rhoads: You are absolutely right.

Alderman Marr: There is a number on this form. I would say this is a self insured policy with a policy number.

Kit Williams: But that does not fit the ordinance. The ordinance states the insurance shall be maintained with an insurance company authorized to do business in the State.

Mayor Coody: We could add or proof of self insurance as shown by the State of Arkansas. Do we have to add this to the agenda as well?

Kit Williams: Yes. I still do not recommend amending the Code of Fayetteville at midnight.

Greg Tabor: He has until December 31, 2004 to get us a certificate of insurance.

Mayor Coody: So we can hammer this out in the next couple of weeks and make the amendment at the next City Council meeting?

Kit Williams: I would recommend that you ask him any questions that you might have at this point in time and therefore he will not have to return.

Mayor Coody: Do we need to vote on his certificate tonight.

Kit Williams: You can go ahead and vote on it and if it passes it will be on condition of him meeting our ordinance.

Alderman Marr moved to approve the Certificate of Public Convenience and Necessity for Tony-C Taxi & Limo Service. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Resolution 206-04 as Recorded in the Office of the City Clerk.

Mayor Coody: We will revisit the insurance issue at our next meeting.

Alderman Marr thanked everyone that helped on the homeless vigil.

Meeting Adjourned at 12:05 AM

_____

Sondra Smith, City Clerk

_____

Dan Coody, Mayor

Consent
A.4.
TIF Board Reimbursement

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF FAYETTEVILLE, ARKANSAS TO REIMBURSE CERTAIN EXPENDITURES OF THE CITY PERTAINING TO FINANCING, PLANNING, ACQUISITION AND DEMOLITION IN CONNECTION WITH THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT PROJECT WITH THE PROCEEDS OF AN ISSUE OR ISSUES OF TAX-EXEMPT BONDS; AND STATING OTHER MATTERS PERTAINING THERETO

WHEREAS, in order to alleviate blight and encourage development within the City of Fayetteville, Arkansas (the "City"), the City presently intends (i) to acquire certain real property and demolish existing structures thereon, which property is located within the Highway 71 East Square Redevelopment District and consists primarily of the former Mountain Inn property, and (i) to sell such cleared property to a private developer for the purpose of constructing a hotel and meeting facility thereon; and

WHEREAS, the City presently intends to finance the costs of acquiring and demolishing such property (the "Project") through the issuance of one or more series of tax-exempt bonds of the City (the "Bonds"); and

WHEREAS, the City has determined the need to expend its funds to pay certain costs of the Project prior to the issuance of the Bonds; and

WHEREAS, in order to utilize the proceeds of tax-exempt bonds to reimburse original expenditures made by the City with respect to the Project, it is necessary under the Internal Revenue Code of 1986, as amended (the "Code") and U.S. Treasury Regulation Section 1.150-2 that the City make a present declaration of its official intent to make such reimbursement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City intends to issue its Bonds in one or more series in aggregate principal amount not to exceed Five Million Dollars ($5,000,000.00) under the Constitution and laws of the State of Arkansas to finance acquisition and demolition costs related to the Project.

Section 2: That the City intends to utilize a portion of the proceeds of the Bonds to reimburse itself for certain expenditures relating to the Project made by the City prior to the issuance of the Bonds with respect to financing, planning, acquisition and demolition. It is anticipated that the Project expenditures to be reimbursed will be made from the City's general fund.

Section 3: That the City intends this resolution to be its declaration of "official intent" under the Code and U.S. Treasury Regulation Section 1.150-2 to reimburse certain original expenditures with respect to the Project.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: _____
DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Consent
A. 8.
Meadows Enterprise
Land Swap.

City Council Meeting of January 4, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Connie Edmonston, Director of Parks and Recreation

From: Alison Jumper, Park Planner

Date: December 13, 2004

Subject: Stonebridge Meadows Phase II

RECOMMENDATION

Fayetteville Parks and Recreation Advisory Board (PRAB) and Parks and Recreation Staff recommend an exchange of 1.95 acres of land for 5.45 acres of land to meet the Park Land Dedication requirement for Stonebridge Meadows Development.

BACKGROUND

The Stonebridge Meadows Phase II Development is located south of Hwy 16 and between Hunt Lane and Dead Horse Mountain Road. The owner is Bill Meadows and the engineering firm is Tomlinson Asphalt Company. Phase II of the development contains 88 single-family units on 53.81 acres. The requirement for park land is 2.11 acres and money in lieu is $48,840.

Eagle Park (1.95 acres) was dedicated in 1998 to meet the requirements of Stonebridge Meadows Phase I. The layout of Phase II created an awkward relationship between Phase I, the park land and Phase II. The developer requested the City to deed the 1.95 acres dedicated as park land for Phase I back; and in return, the developer will rededicate the 1.95 acres plus the requirement for Phases II and III as one contiguous piece of land.

The land exchange was presented to the Parks and Recreation Advisory Board on June 2, 2003.

DISCUSSION

The Parks and Recreation Staff and PRAB recommend the exchange of 1.95 acres of land for 5.45 acres of land to meet the Park Land Dedication requirements for Stonebridge Meadows. If you have any questions, please call me at 444-3469.

Attachments:

Stonebridge Meadows Concept Plan
Location Map
PRAB June 2, 2003 Meeting Minutes

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A DEED FROM THE CITY OF FAYETTEVILLE TO MEADOWS ENTERPRISES, INC. FOR 1.95 ACRES TO SWAP FOR SIMILAR ACREAGE TO ENLARGE A NEARBY CITY PARK

WHEREAS, Meadows Enterprises, Inc. dedicated 1.95 acres for a neighborhood park in an earlier phase of their residential development; and

WHEREAS, the Parks and Recreation Division, Parks and Recreation Committee, Planning Commission and City Council agree that this 1.95 acres should be deeded back to the developer in exchange for similar acreage adjoining additional dedicated parkland in a later phase of the neighborhood development; and

WHEREAS, all agree this larger neighborhood park will better serve the neighborhood and citizens of Fayetteville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the deed attached as Exhibit "A" to Meadows Enterprises, Inc. in exchange for a similar amount and type of land to be dedicated by Meadows Enterprises, Inc. as parkland next to and adjoining other dedicated parkland. The City Council hereby authorizes Mayor Coody to execute this deed.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

WARRANTY DEED
MUNICIPAL CORPORATION

BE IT KNOWN BY THESE PRESENTS:

THAT the **CITY OF FAYETTEVILLE, ARKANSAS, a municipal cor-poration**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **Meadows Enterprises, Inc., a corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

Property Description:

Part of the Southwest Quarter (SW¼) of Section 19, Township (16) North, Range Twenty-nine (29) West of the 5th Principal M County, Arkansas, being more particularly described as follows: Commencing in the Southwest corner of Section 19 and running N 1321.99 feet; thence EAST 614.37 feet to the Point of Beginning; thence South 89° 57' 06" East 566.28 feet; thence SOUTH 150.(89° 57' 06" West 666.28 feet; thence NORTH 150.00 feet to the Point of Beginning, containing 1.95 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's success Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will for said lands against all legal claims whatever.

WITNESS the execution hereof on this _____ day of _____, 2004.

CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY: _____
Dan Coody, Mayor

ATTEST: _____ Da
Sondra Smith, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregc behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument fc therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2004.

_____
Notary Public

My Commission Expires:

_____

WARRANTY DEED
MUNICIPAL CORPORATION

BE IT KNOWN BY THESE PRESENTS:

THAT the **CITY OF FAYETTEVILLE, ARKANSAS, a municipal cor-poration**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **Meadows Enterprises, Inc., a corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

Property Description;

Part of the Southwest Quarter (SW¼) of Section 19, Township (16) North, Range Twenty-nine (29) West of the 5th Principal M County, Arkansas, being more particularly described as follows: Commencing in the Southwest corner of Section 19 and running N 1321.99 feet; thence EAST 614.37 feet to the Point of Beginning; thence South 89° 57' 06" East 566.28 feet; thence SOUTH 150.(89° 57' 06" West 666.28 feet; thence NORTH 150.00 feet to the Point of Beginning, containing 1.95 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's success Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will fo said lands against all legal claims whatever.

WITNESS the execution hereof on this _____ day of _____, 2004.

CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY: _____
Dan Coody, Mayor

ATTEST: _____ Da
Sondra Smith, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregc behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument fc therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2004.

_____
Notary Public

My Commission Expires:

_____

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
June 2, 2003

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on June 2, 2003 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Chairperson Colwell.

Present:
Parks and Recreation Advisory Board members Hill, Bailey, Colwell, Eads, Marley, Pawlik-Holmes, and Mauritson; City staff Edmonston, Coles, Hatfield, Hesse, Nelson, Wright; and Audience.

3. Park Land Dedication

Development Name:	Stonebridge Meadows, Phase II
Engineer:	Tomlinson Asphalt Company, Tom Hennelly
Owner:	Bill Meadows
Location:	Stonebridge and Goff Farm Road
Park District:	SE
Units:	153 Single Family Lots
Total Acres:	53.81 acres
Land Dedication Requirement:	3.67 acres
Money in Lieu Requirement:	$84,915
Existing Parks:	Bayyari Park (7.05 acres) within One-Mile Radius
Staff Recommendation:	Land Dedication
Developer Request:	Land Dedication
Justification:	Project is located in an area considered to be underserved by the Parks Master Plan. A total of six acres (two acres from Phase I) will adequately serve both Phase I and Phase II residents.

Eagle Park (2 acres) was dedicated during development of Stonebridge Meadows Phase I in 1998. Thomas Hennelly said when the property was dedicated there wasn't a tremendous amount of forethought into the layout of Phase II. This two-acre parcel is awkwardly located in relationship to Phase II. Property owner Bill Meadows has set aside 14.97 acres adjacent to the development to be dedicated to the Fayetteville Public School System for either an elementary or middle school. Mr. Hennelly said the main drive to the school needed to be straight instead of routing through

the subdivision. Therefore, a request to have the original two-acre land dedication deeded back to Mr. Meadows was made. Another two-acre tract would be deeded in its place from another location. Ms. Edmonston said the City Attorney had approved the swapping of land but had asked a conditional recommendation be dependent upon receipt of deed before final plat.

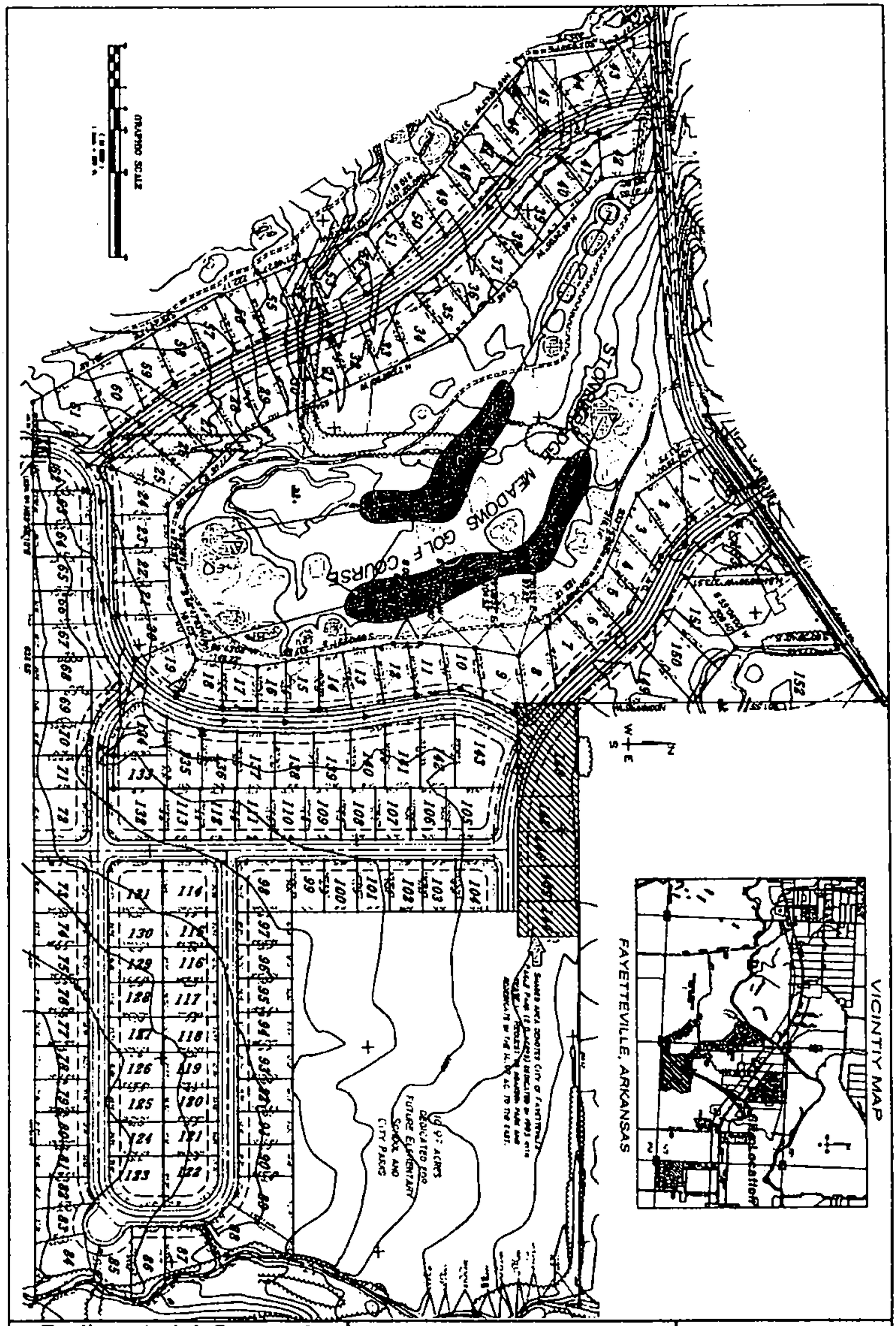
Ms. Hesse said the exact parameters of the park land haven't been defined. According to city ordinance, they can be defined at the final plat stage. The plan could be brought back to the board with boundaries defined. Board members agreed staff should negotiate park boundaries with the developer within the 14.97 acres indicated on the preliminary plat. However, Mr. Hennelly was hesitant about restricting the dedication to this area. He suggested looking at the entire development because there are other areas available. Because it is unknown whether a middle school or elementary school would be constructed, Mr. Hennelly said there is plenty of property available elsewhere to dedicate. If a middle school is constructed it would require use of the entire 15 acres. An elementary school would allow room for both the school and a park. Board members decided if park land was to be dedicated outside of the 14.97 acre parcel as indicated it should be brought back for a recommendation.

MOTION:

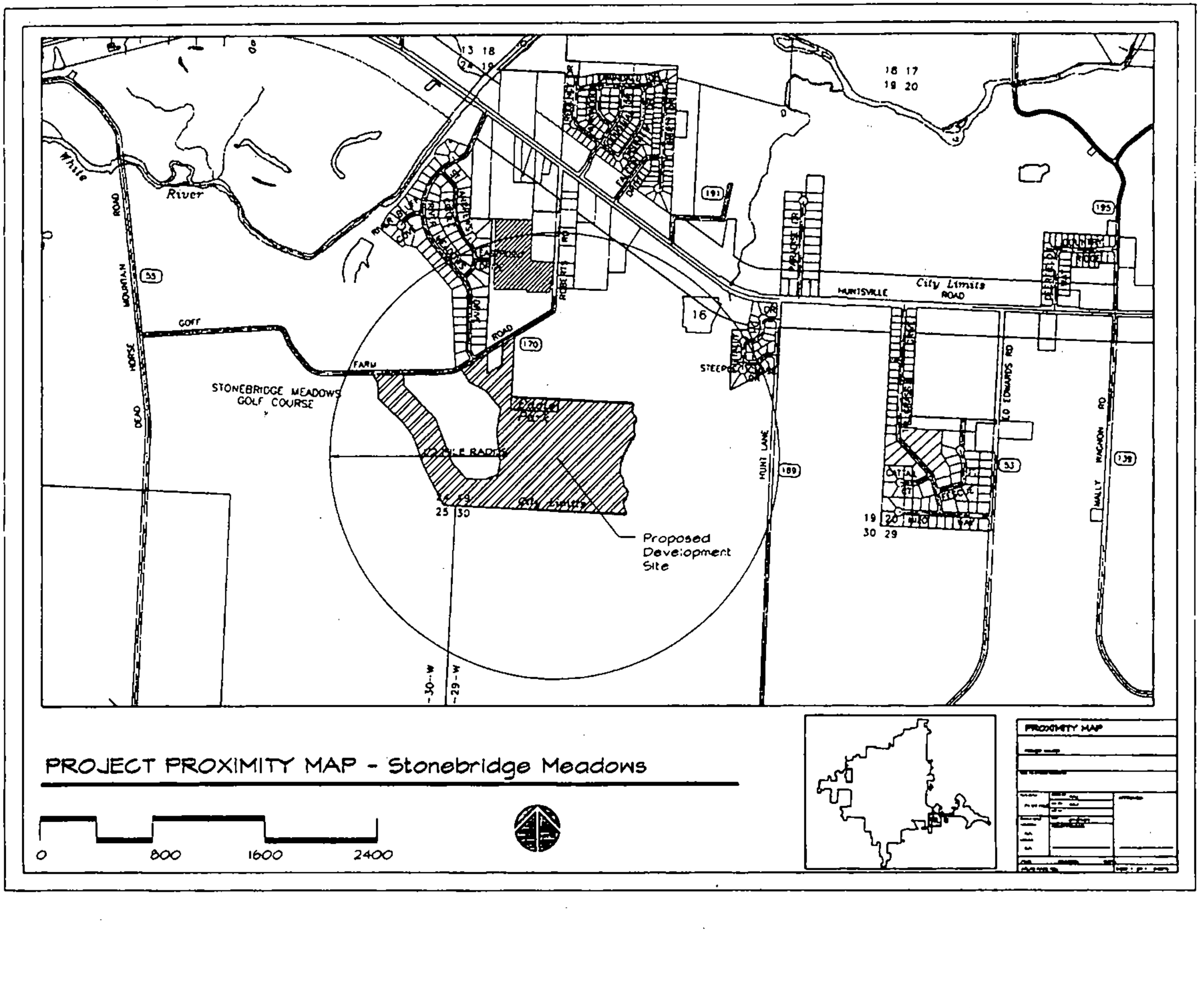
Mr. Mauritson moved to accept a Land Dedication within the 14.97 acres indicated on preliminary plat dependent upon receipt of deed before final plat to satisfy the Park Land Dedication Ordinance for Stonebridge Meadows, Phase II. Any land outside the indicated 14.97 acres must be presented to the Board for recommendation.

Mr. Bailey seconded the motion.

Upon roll call, the motion was approved unanimously 6-0-1 with Pawlik-Holmes abstaining from the vote.



Tomlinson Asphalt Company, Inc. *Civil Engineering Division*	*STONEBRIDGE MEADOWS PHASE II* *PRELIMINARY PLAT*	



PROJECT PROXIMITY MAP - Stonebridge Meadows

0 800 1600 2400

PROXIMITY MAP

(Page 1 of 1)

WARRANTY DEED
CORPORATION
Correction to Deed 98064060

FILED FOR RECORD
'98 SEP 18 AM 10 41
WASHINGTON CO AR
K. HARNESS

BE IT KNOWN BY THESE PRESENTS:

THAT Meadows Enterprises, Inc., a corporation, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the City of Fayetteville, Arkansas, a municipal corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in Washington County, State of Arkansas, to-wit:

LEGAL DESCRIPTION: Part of the SW¼ of Section 19, Township Sixteen (16) North, Range Twenty-nine (29) West in Washington County, Arkansas and being more particularly described as follows: Commencing at the Southwest corner of said Section 19, thence North 0° 07' 05" West 1321.89 feet; thence EAST 514.37 feet to the Point of Beginning; thence South 89° 57' 05" East 566.28 feet; thence SOUTH 150.00 feet; thence North 89° 57' 05" West 566.28 feet; thence NORTH 150.00 feet to the Point of Beginning and containing 1.95 acres, more or less.

Deed 98064060 legal description is hereby corrected to reflect the proper location of the property as being in the SW¼ of Section 19.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

The above donation of 1.95 acres for a park is in full satisfaction of greenspace dedication requirements of the City of Fayetteville Parks Department for Stonebridge Meadows Subdivision, said Subdivision/Addition consisting of 78 lots.

WITNESS the execution hereof on this 17th day of September, 1998

Name of Grantor/Corporation: Stonebridge Meadows Enterprises, Inc.

Mailing Address of Principals Signing Document: 3480 N. Summerhill Drive

Fayetteville, AR 72703

BY: William N. Meadows
William N. Meadows, President and Chief Executive Officer

ATTEST:

(Please print or type Name and Title)

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared William N. Meadows and _____, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the President and Chief Executive Officer and of the Stonebridge Meadows

98-80685

Consent.
A.8.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

~~1-05-05~~ 12-21-04
City Council Meeting Date

Connie Edmonston CE
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to exchange 1.95 acres of land for 5.45 acres of land to meet the Park Land Dedication requirement for Stone Bridge Meadows.

Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Department Director — Date

City Attorney — 12-16-04 Date

Mayor — 12/16/04 Date

Received in City Clerk's Office

Received in Mayor's Office

Comments:

ENTERED 12-16-04

Fayetteville
ARKANSAS

Unfinished
B. 1,
2005 Proposed
Annual Budget

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager

DATE: December 15, 2004

SUBJECT: **2005 Proposed Budget - Amendments**

Please find attached amendments to the 2005 Proposed Budget that were discussed in detail during the budget briefing meetings that were held on December 7 and 14. The amendments will be added to the 2005 Proposed Budget which is up for adoption during the December 21 meeting.

If you have any questions concerning the 2005 Proposed Budget or the amendments, please feel free to contact either Stephen Davis at 575-8330 or myself at 575-8226. Thank you for your attention to this matter.

City of Fayetteville, Arkansas

12/14/2004

- Budget Amendments

Account Number		Budgeted 2005	Proposed 2005	Additional Revenue 6% Increase	Revised Budgeted 2005
General Fund					
1010.0001.4102.00	County sales tax	$ 10,369,700	4.00%	$ 199,400	$ 10,569,100
1010.0001.4104.00	Sales tax revenue	7,375,600	4.00%	141,900	7,517,500
		17,745,300		341,300	18,086,600
Wastewater Sales Tax Bond Fund:					
3440.0944.4104.00	Sales tax revenue	11,063,400	4.00%	212,700	11,276,100
		11,063,400		212,700	11,276,100
Sales Tax Capital Improvements Fund:					
4470.0947.4104.00	Sales tax revenue	7,375,600	4.00%	141,900	7,517,500
		7,375,600		141,900	7,517,500
Total - All Funds		$ 36,184,300		$ 695,900	$ 36,880,200

City of Fayetteville, Arkansas

12/14/2004

Summary of Budget Amendments, (continued)

	2005 Budgeted Amounts			2005 Budgeted FTEs		
	Original	Amended	Difference	Original	Amended	Difference
Budget & Research	$ 216,817	$ 263,547	$ 46,730	3.00	4.00	1.00
Public Information (Formerly CAO)	148,060	142,690	(5,370)	2.00	2.00	0.00
Mayor's Administration	326,077	266,223	(59,854)	4.00	2.50	-1.50
Finance & Internal Services Director	116,298	125,545	9,247	1.00	1.25	0.25
Operations Director	59,130	68,377	9,247	0.40	0.65	0.25
Net Increase/(Decrease) Expenses	$ 866,382	$ 866,382	$ -	10.40	10.40	0.00

Summary of Changes:

- Budget & Research: Transferred Budget Analyst using 1.0 FTE Slot from CAO Position.

- Public Information:
  Remove 1.00 FTE Chief Administrative Officer Position.
  Remove 0.50 FTE Senior Secretary Position.
  Transferred Public Information Coordinator from Mayor's Program and upgraded to ER13.
  Transferred Public Information Representative from Mayor's Program.

- Mayor's Administration
  Transferred Public Information Coordinator/Representative Positions to Public Information.
  Transferred 0.50 FTE Intern from Public Information Program.

- Finance & Internal Services Director: Transferred 0.25 FTE Senior Secretary from the CAO/Public Information Program.

- Operations Director: Transferred 0.25 FTE Senior Secretary from the CAO/Public Information Program.

City of Fayetteville, Arkansas

12/14/2004

2005 Annual Budget - Amendments, (continued)

Funding Source	Item	Description	Fund.Program	Amount (Reduced) Added
General Fund Changes:				
Library	Transfer to Library	Landscaping Maintenance	1010.5240	29,000
Library	Transfer to Library	Cleaning Maintenance	1010.5240	49,000
Miscellaneous	Salary Contingency	Salary Contingency Reduction	1010.6600	(175,000)
			Addition / (Reduction) in Expenses	(97,000)
Sales Tax Capital Improvements Fund				
Police Improvements	Mobile Data Project	Funding added in 2004	4470.9470	(35,732)
Fire Improvements	Fire Station #3 - Fire Apparatus	Funding added in 2004	4470.9470	(395,000)
			Addition / (Reduction) in Expenses	(430,732)

City of Fayetteville, Arkansas

12/14/2004

2005 Annual Budget - Amendments, (continued)

Funding Source	Item	Description	Fund.Program	Amount (Reduced) Added
Airport Fund Changes:				
Airport Revenue	AVGAS Revenues	Increased Revenues	5550.0955	$ (3,200)
Airport Operations	AVGAS Expense	Increased Fuel Costs	5550.3955	7,088
Airport Revenue	Jet Fuel Revenues	Corrected Markup Amount	5550.0955	(86,200)
Airport Operations	Jet Fuel Expense	Increased Fuel Costs	5550.3955	19,665
		Addition / (Reduction) in Use of Fund Balance		$ (62,647)
Solid Waste Fund Changes:				
Solid Waste Revenue	Franchise Fees	Change in Revenue	5500.0950	$ (51,168)
Solid Waste Revenue	Solid Waste Fees	Change in Revenue	5500.0950	37,200
Solid Waste Revenue	Container Sales & Leasing	Change in Revenue	5500.0950	(26,100)
		Addition / (Reduction) in Use of Fund Balance		$ (40,068)
Impact Fee Fund Changes:				
Water Line Improvements	Mount Sequoyah Pressure Plane	Project Addition	2300.9300	$ 850,000
		Addition / (Reduction) in Use of Fund Balance		$ 850,000
Water & Sewer Fund Changes:				
Water Line Improvements	Wedington Utility W/S Relocations	Project Addition	5400.5600	$ 54,000
Water Line Improvements	Razorback Road Utility W/S Relocatic	Project Addition	5400.5600	22,800
		Addition / (Reduction) in Use of Fund Balance		$ 76,800

City of Fayetteville, Arkansas

Summary of Budget Amendments, (continued)

	2005 Budgeted Amounts			2005 Budgeted FTEs		
	Original	Amended	Difference	Original	Amended	Difference
Fire Prevention	$ 274,541	$ 274,541	$ -	3.00	3.00	-
Fire Opeations	6,146,715	6,188,338	41,623	96.00	99.00	3.00
Fire Training	184,025	184,025	-	2.00	2.00	-
Net Increase/(Decrease) Expenses	$ 6,605,281	$ 6,646,904	$ 41,623	101.00	104.00	3.00

Summary of Changes:

- Fire Operations — Added 3.00 FTE Firefighter positions. (Phased In Starting October 2005)

New Business
C.I.
Amend Title XI
Chapter 117 Taxicabs

(B) An applicant may satisfy the insurance requirements of this Section by providing a certificate of self-insurance issued pursuant to A.C.A. § 27-19-107.

117.34 Licensing requirements

(A) Decal required.

No certificate shall be issued or continued in operation unless the holder thereof has secured an annual permit decal for each vehicle granting the right to engage in the taxicab business. Permit decals shall be placed on the rear window of the permitted vehicle, and be clearly visible at all times. The licensing shall be for the calendar year, with holders required to file annual renewal applications and fees at least thirty (30) days prior to the end of each year; and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the State of Arkansas.

(B) Surety Bond required.

No certificate shall be issued unless and until the applicant shall file with the City Clerk a surety bond in the amount of $100.00, conditioned upon the applicant establishing, maintaining, and continuing the proposed service until such time as the certificate issued to the applicant is cancelled, withdrawn or has expired.

DRAFT

(C) Radio dispatch required.

Every certificate holder shall maintain a radio dispatch system in operation during the hours of operation set forth in the application for the Certificate of Public Convenience and Necessity, capable of providing reasonably prompt service in response to requests received by telephone. Two-way radios are the preferred system. Citizens Band (CB) radios shall not be used. Any holder of a Certificate of Public Convenience and Necessity at the time of passage of this ordinance shall have six (6) months from the effective date thereof to comply with this provision.

(D) Scanners prohibited.

The use of scanners or other similar devices to monitor other taxicab operator's calls is hereby prohibited.

117.35 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

117.36 Suspension, Revocation Of Certificate

EXHIBIT "B"

ARTICLE V
LIMOUSINE SERVICE

117.60 Definition
For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Limousine service. Transportation service over the streets of the city, in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.

117.61 License Required; Fee
It is hereby declared to be a privilege for any person to furnish limousine service, and no person shall engage in such undertaking without first paying to the city an annual license fee of $100.00 for each limousine used on the streets of the city, for the privilege of engaging in such business, and obtaining a Certificate of Public Convenience and Necessity. The fee shall be paid on or before January 1st of each year.

117.62 Vehicles To Be Kept Safe And Sanitary
Every vehicle operating under this article shall be subject to a thorough examination and inspection by the Fleet Division of the City. The cost of said inspection shall be at a rate set by the Fleet Superintendent and shall be calculated at the hourly charge schedule utilized by the division. The vehicle must comply with such reasonable rules and regulations as may be prescribed by the Chief of Police, or his duly-appointed representative. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Chief of Police, or his duly-appointed representative, shall determine necessary. The vehicle, upon passage of an inspection shall be affixed with a decal that certifies the vehicle as safe to operate in the city of Fayetteville.

117.63 Liability Insurance
(A) Except as set forth in subsection (B), no person shall furnish limousine service unless and until such person has filed with the finance director a copy of a motor vehicle liability insurance policy issued by an insurance company authorized to do business in the state, providing limits of not less than $25,000.00 for personal injury to, or death of, any one person in any one accident, liability limits of $50,000.00 for personal injury to, or death of, two or more persons in any one accident, and $25,000.00 for injury to or destruction of property of others in any one accident.

EXHIBIT "B"

(B) An applicant may satisfy the insurance requirements of this Section by providing a certificate of self-insurance issued pursuant to A.C.A. § 27-19-107.

117.64 Licensing requirements

No Certificate of Public Convenience and Necessity shall be issued or continued in operation unless the holder thereof has secured an annual permit decal for each vehicle granting the right to engage in the limousine business. Permit decals shall be placed on the rear windowof the permitted vehicle, and be clearly visible at all times. The licensing shall be for the calendar year, with holders required to file annual renewal applications and fees at least thirty (30) days prior to the end of each year; and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the State of Arkansas.

DRAFT

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Conrad Odom
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
December 21, 2004

A meeting of the Fayetteville City Council will be held on December 21, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

City Council Special Resolution Recognizing the Fayetteville High School Student Council

A. CONSENT:

1. **Approval of the Minutes:** Approval of the December 7, 2004 City Council meeting minutes.

2. **Drug Interdiction Grant**: A resolution authorizing the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00 to support Drug Interdiction Operations; and approving a budget adjustment recognizing the grant revenues.

3. **Andritz, Inc. Agreement:** A resolution to approve an agreement with Andritz, Inc. to lock in pricing of $672,157.00 for three belt filter presses by paying a security deposit of $33,607.85.

4. **TIF Bond Reimbursement:** A resolution to express the City's intent to be reimbursed for its expenses in creating any and all TIF Districts from the proceeds of TIF Bonds.

5. **Crews and Associates Bond Underwriter for TIF Bonds:** A resolution accepting Crews and Associates as Bond Underwriter for any Tax Increment Financing Bonds issued through December 31, 2005.

6. **Community Access Television, Inc. Contract:** A resolution to approve a contract with Community Access Television, Inc. to operate the Public Access Cable Channel throughout 2005 for $93,000.00.

7. **LEECO Fire Equipment Fire Apparatus Purchase:** A resolution approving the purchase of one (1) Emergency One, Inc. (E-One) replacement pumper apparatus form LEECO, Inc. in the amount of $371,985.00; and approving a budget adjustment in the amount of $278,985.00.

B. UNFINISHED BUSINESS

1. **2005 Proposed Annual Budget and Work Program Adoption:** A resolution adopting the proposed 2005 Annual Budget and Work Program. ***This resolution was tabled at the November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting. This resolution was tabled at the December 7, 2004 City Council meeting until the December 21, 2004 City Council meeting.***

C. NEW BUSINESS:

1. **Amend Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines**: An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines of the Code of Fayetteville.

2. **Sensus Metering Systems Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of ten (10) hand-held touch-read meter reading devices with communication accessories from Sensus Metering Systems for the Meter Operations Division in the amount of $41,062.50.

3. **University of Arkansas Consulting Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a master contract with the Board of Trustees or the University of Arkansas to provide the City of Fayetteville with specific consulting and study services.

4. **ANX 04-1222 (Doris Roberts):** An ordinance annexing that property described in annexation petition ANX 04-1222 annexing to the City of Fayetteville, Arkansas, certain property owned by Doris Faye Roberts located at the south end of Roberts Road containing approximately 47.13 acres.

5. **RZN 04-1280 (Doris Roberts):** An ordinance rezoning that property described in rezoning petition RZN 04-1280 for property located on Roberts Road south of Highway 16 East containing approximately 47.13 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

6. **VAC 04-1255 (Hanks):** An ordinance approving VAC 04-1255 submitted by Tim Maddox for property located on the east side of 2553 Ferguson Avenue as described on the attached map and legal description.

7. **VAC 04-1279 (Pearson):** An ordinance approving VAC 04-1279 submitted by Wyma & C.T. Pearson for an alley located at Block 3, Rosehill Addition as described on the attached map and legal description.

8. **ADM 04-1303 Amend Chapter 166.04 Street Standards:** An ordinance amending Title XV: §166.04, Unified Development Code, of the Fayetteville Code of Ordnances, to require city street standards for the subdivisions within one (1) mile of the city limits.

9. **Downtown Master Plan Redevelopment District:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.

10. **Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the project plan for the Downtown Master Plan Redevelopment District, finding the plan is economically feasible and authorizing the issuance of tax increment financing bonds to fund the improvements outlined in the plan.

11. **Dedication of Proceeds Received From The Wilson Springs Sale To Road And Infrastructure Improvements:** Information will be provided at Agenda Session.

D. PUBLIC HEARINGS:

1. **Dynasty Limousine; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: December 20, 2004 – 4:30 pm

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF DECEMBER 7, 2004

FROM: DON MARR, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Congratulate The Fayetteville Senior High Student Council's Hard And Effective Work To Raise Money For The Fayetteville Public School Homeless Program

APPROVED FOR AGENDA:

City Attorney — Date: 12-3-04

Don Marr, Alderman — Date:

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby thanks the hundreds of good Fayetteville citizens who demonstrated by their generous donations that there is no more charitable, nor better place to live than Fayetteville, Arkansas.

PASSED and **APPROVED** this 7th day of December, 2004.

APPROVED:

By: DRAFT
_____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO CONGRATULATE THE FAYETTEVILLE SENIOR HIGH STUDENT COUNCIL'S HARD AND EFFECTIVE WORK TO RAISE MONEY FOR THE FAYETTEVILLE PUBLIC SCHOOL HOMELESS PROGRAM

WHEREAS, there is a great need for public contributions to the Fayetteville Public School Homeless Program so that our neediest students can receive the best possible education and necessary assistance; and

WHEREAS, the number of homeless students continues to grow; and

WHEREAS, the Fayetteville High School Student Council raised the goal this year from last year's $7,500.00 to $10,000.00 for 2004; and

WHEREAS, the Student Council was aided by the Fayetteville Chamber of Commerce and Fayetteville City Council in its attempt to reach this year's goal to increase donations by over one-third; and

WHEREAS, President Jessie Elledge and other members of the Student Council braved a very frigid night during the Homeless Vigil and not only met their donation goal, but far exceeded it (doubling what was contributed last year).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby congratulates President Jessie Elledge and all of the Fayetteville High School Student Council for their hard work in planning, seeking early donations, and persevering through a frigid night to raise more than twice as much for the Fayetteville School Homeless Program as has every been raised before during the Homeless Vigil.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its personal thanks to the members of the Fayetteville High School Student Council and teachers for their hospitality toward the aldermen, mayor and city attorney during the Homeless Vigil.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police FJ

DATE: November 24, 2004

SUBJECT: Apply and Acceptance of funding from Special State Assets Forfeiture Fund

RECCOMNDATION:

Council approves the application, which includes two options for the use of available funding. Option 1 includes the purchase of 1 used unmarked 4-wheel drive vehicle ($13,000.00) to be assigned to a detective at the 4th Judicial District Drug Task Force for use during covert operations; 1 in-car-video system ($4,250.00) and 1 radar unit ($2,750.00) to be used during drug interdiction operations.

Option 2 includes 1 IP MobileNet modem ($3,325.00), 1 in-car-video system ($4,250.00), 1 radar unit ($2,750.00) and 2 Motorola ML900 ruggedized laptops (9,675.00). If Option 2 is approved instead of Option 1 these items will be utilized during drug interdiction operations conducted by the Fayetteville Police Department.

BACKGROUND:

The State Drug Director along with the Alcohol and Drug Abuse Coordination Council are soliciting applications for projects authorized by the Arkansas Drug Director, titled Special Assets Forfeiture Fund in the amount of $20,000. These projects are one-time equipment purchases. The purpose stated for the use of these funds is drug interdictions and eradication.

DISCUSSION:

Current grant funding for the 4th Judicial District Drug Task Force does not provide funding for vehicles or equipment. Replacement of vehicles is an on-going need for our officers, especially if they are using their vehicle during hand-to-hand drug buys. If the Arkansas Alcohol and Drug Abuse Coordinating Council decide not to fund a vehicle our Option 2 will provide equipment used in a marked police car during drug eradication. Patrol officers will also utilize this equipment when the vehicle is on regular patrol.

BUDGET IMPACT:

The $20,000.00 for either Option 1 or Option 2 will be utilized through the Drug Enforcement Fund and will not require matching funds.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO APPLY FOR AND ACCEPT A GRANT FROM THE ARKANSAS ALCOHOL AND DRUG ABUSE COORDINATING COUNCIL IN THE AMOUNT OF $20,000.00 TO SUPPORT DRUG INTERDICTION OPERATIONS; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00 to support drug interdiction operations.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenues.

PASSED and **APPROVED** this 21st day of December 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Police Program: Drug Enforcement	Date Requested	Adjustment Number
2004		11/24/2004	

Project or Item Requested:
Accept grant from Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00

Project or Item Deleted:
None

Justification of this Increase:
This grant was offered as a non-matching grant for the purchase of equipment.

Justification of this Decrease:

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Fixed assets	2930	2960	5801	00	20,000		

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	2930	0993	4302	00	20,000		

Approval Signatures

	Date
Requested By	
Budget Manager	11-30-04
Department Director	
Finance & Internal Services Director	11-30-04
Mayor	

Budget Office Use Only

Type: A B C D E

	Initial	Date
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

REQUEST FOR APPLICANTS

This is to notify you that the State Drug Director along with the Arkansas Alcohol and Drug Abuse Coordinating Council is accepting applications for one-time expenditures for the purposes of drug interdiction and eradication; i.e. (equipment) to be funded through the Special State Asset Forfeiture Fund, as authorized by Statutory Authority: Arkansas Code Annotated § ACA 5-64-505.

Attached is a summary description of this program. After reviewing this material, if you want to apply, please fill out the attached application and return it along with two copies to the Office of Intergovernmental Services, P. O. Box 8031, Little Rock, AR 72203. All applications must be received by 4:30 P.M., December 10, 2004, to be considered for funding.

Should you have any questions or need assistance, please call Tom Ross at (501) 844-0829.

Sincerely,

Keith Rutledge
State Drug Director

KR/rj

Attachments

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
DRUG DIRECTOR'S OFFICE

Mike Huckabee
Governor

INTRODUCTION

REQUEST FOR APPLICATION
SPECIAL STATE ASSETS FORFEITURE FUND

The State Drug Director along with the Alcohol and Drug Abuse Coordination Council are soliciting requests for applications for projects authorized by the Arkansas Drug Director, titled Special Assets Forfeiture Fund. Applications are for one-time expenditures for the purposes of drug interdiction and eradication; i.e. (equipment) and should not exceed $20,000 per application. All funds should be spent by January 31, 2005. Any unused funds will need to be returned to the Department of Finance and Administration, Intergovernmental Services by February 28, 2005.

Eligible Applicants: Eligible Applicants are as follows:

(A) Multi Jurisdictional Drug Task Forces
(B) State Police
(C) Highway Police
(D) State Crime Lab
(E) Criminal Justice Institute

Applications must be made/signed by an official authorized to sign for the eligible applicant.

Equal Opportunity: All applicants must furnish assurance of compliance with:

1. Civil Rights Law and Regulations

2. Freedom of Information Act

Evaluation of Application: The State Drug Director will make an **initial** evaluation of the grant proposals. The Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC) will make all **final** funding decisions.

Policies Affecting Funding: The AADACC will not give consideration to applications that are not consistent with its funding plan and allocation. The AADACC also reserves the right to reduce funding, terminate funding, or impose sanctions on a grantee that does not adhere to the agreement and/or special conditions if applicable.

"SPECIAL STATE ASSETS FORFEITURE FUND"
STATE DRUG DIRECTOR
OFFICE OF THE GOVERNOR

APPLICATION

1. **Applicant Agency:** City of Fayetteville
(Contracting Official)
Address: 113 W. Mountain, Fayetteville AR 72701

2. **Project Director:** Tracey Risley Tele # _____ Fax # _____
Address: 100 A. West Rock Street, Fayetteville, AR 72701
E-Mail Address: trisley@ci.fayetteville.ar.us

3. **Fiscal Officer:** Judy Cohea Tele # _____ Fax # _____
Address: 100 A West Rock Street, Fayetteville, AR 72701
E-Mail Address: jcohea@ci.fayetteville.ar.us

4. **Project Period:** ***Start Date:*** December 17, 2004 **End Date:** January 31, 2005

5. **Funding Source:** Special State Assets Forfeiture Fund

6. **Amount of Funds Requested (Cap $20,000):** $20,000.00
Requested Funds are to be used for one-time expenditures for the purposes of drug interdiction and eradication; i.e. (equipment) – **Receipts are Required**

7. Equipment to be Purchased: Vehicle $13,000.00 In-car-video system $4,250.00 Radar unit $2,750.00
Option 2: Mobile Data set-up for vehicle 1 IP Mobile $3,325; 1 In-car-video system $4,250.00; 1 Radar unit ($2,750.00) 2 Motorola ML900 Ruggedized Laptops $9,675.00

8. **Summary:**
(Give a brief description of the program in which this equipment will be used)
The vehicle will be placed in inventory at the 4th Judicial District Drug Task Force and assigned to an undercover officer to be used in covert operations. The in-car-video system and radar unit will be included in the inventory at the Task Force and placed in a City of Fayetteville marked patrol unit to be used during drug interdiction operations.

The second option would include a IP Mobile net modem, a in-car-video system, a radar gun and 2 Motorola ML900 ruggedized laptop computers. All items will be placed on the inventory at the Drug Task Force and will be utilized in City of Fayetteville marked patrol unit used during drug interdiction operations.

9. **Certifications:** Applicant is in compliance with:
Civil Rights Law/Regulations X **YES** _____ **NO**
Freedom of Information Act X **YES** _____ **NO**

SIGNATURE OF AUTHORIZED OFFICIAL: Dan Coody

DATE: 11-30-02

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2\
-Dec-04

City Council Meeting Date

Frank Johnson	Police	Police
Submitted By	Division	Department

Action Required:

Council approve resolution for Mayor Coody to apply for $20,000.00 from the Arkansas Alcohol and Drug Abuse Coordination Council and accept funding if awarded. This is non matching grant for the purchase of equipment.

$20,000.00	$ -	Capital
Cost of this request	Category/Project Budget	Program Category / Project Name
2930-2960-5801.00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Drug Enforcement
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [X]

Department Director — Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

City Attorney — 11/30/2004 Date

Received in City Clerk's Office

Mayor — 12/1/04 Date

Received in Mayor's Office
12/1/04 P.M.

Comments:

ENTERED
11-30-04

Fayetteville

City Council Meeting of December 21, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Greg Boettcher, Water/Wastewater Director

Date: November 23, 2004

Subject: Resolution approving Agreement with Andritz, Inc. for fixed pricing of three belt filter presses; including payment of a five percent refundable deposit to obtain pricing concessions and 30-month price guarantee.

RECOMMENDATION

Fayetteville City Administration recommends approval of the Agreement between Andritz, Inc. and the City to formalize the negotiated purchase terms for three belt filter presses. This agreement captures pricing concessions by the supplier as well as secures a 30-month pricing guarantee. The negotiated process has been approved for use on this equipment by the Arkansas Soil and Water Conservation Commission (see attached). The total purchase price for the three units is $672,157.00 with the City's refundable security deposit of five percent (5%) being $33,607.85. A budget adjustment is not needed for this activity as the deposit payment will be later refunded to the City of Fayetteville.

BACKGROUND

In 2003 the Noland Wastewater Plant began use of sludge dewatering, acquiring a new Andritz belt filter press as part of the changed sludge management plan. The existing Andritz press will be relocated to the Noland Plant's new solids handling building , therefore, Andritz is the manufacturer upon which the equipment should be standardized. This standardization involves three units (one at Noland and two at the new west side wastewater plant). If the equipment were to be simply named as a sole source, there would be no competitive pressures upon the manufacturer's pricing. Black and Veatch, designers of the Noland project, suggested use of a negotiated purchase process to bring competition into the pricing while sustaining uniformity of equipment. This process was submitted to and approved by the Arkansas Soil and Water Conservation Commission (see attached request letter). The competitive negotiation was complete in a series of two meeting with design engineers, program manager and OMI being active participants in the process. During the second negotiation meeting of October 28, 2004 the pricing and terms were finalized (see attached meeting minutes). This process has proven to be of great benefit to the City, both in terms of initial costs and future operating requirements.

The negotiations are formalized in terms of a quotation from Andritz and an agreement. The essence of the arrangement is as follows:

- Prices are guaranteed for 30-months

Fayetteville

City Council Meeting of December 21, 2004

- City provides a 5% security deposit to secure price guarantee
- City deposit refunded on prorata share as contractors issue purchase orders to Andritz for the belt filter equipment
- Contactors assume all financial, contractural and warranty responsiblities once equipment is ordered
- Failure to place orders results in one-third of remaining security deposit being retained by Andritz with two-thirds being refunded to City of Fayetteville

A copy of the agreement and the Andritz quotation are attached.

DISCUSSION

This equipment procurement process has yielded tangible benefits to the City of Fayetteville; both in terms of project costs and project quality. The negotiations have been completed in an open and transparent fashion, with multiple participants to ensure accountability.

BUDGET IMPACT

This action produces subsequent cost savings on the wastewater improvements project and uniformity of equipment in the treatment plants. As the construction contracts are awarded and the City's security deposit is refunded the only cost is the opportunity costs associated with the deposit of $33,607.85, such costs being far outweighed by the net cost savings.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT WITH ANDRITZ, INC. TO LOCK IN PRICING OF $672,157.00 FOR THREE BELT FILTER PRESSES BY PAYING A SECURITY DEPOSIT OF $33,607.85

WHEREAS, the City has negotiated with Andritz, Inc. to lock in at 2003 base pricing, the cost of three belt filter presses that will need to be purchased for the Wastewater Improvement Project in the next couple of years by paying a security deposit of $33,607.85.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Agreement for Belt Filter Presses for Wastewater Improvement Project (attached as Exhibit "A") with Andritz, Inc. and the payment of the $33,607.85 partly refundable security deposit to Andritz, Inc.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
SONDRA SMITH, City Clerk

AGREEMENT
BELT FILTER PRESSES FOR WASTEWATER IMPROVEMENTS PROJECT
NEGOTIATED PRICING AND SECURITY TERMS
FAYETTEVILLE, ARKANSAS

THIS AGREEMENT, made and entered into the __ day of _____, 200_, by and between the City of Fayetteville, County of Washington, State of Arkansas, hereinafter called FAYETTEVILLE, and Andritz-Ruthner, Inc. a corporation doing business at 1010 Commercial Boulevard South, Arlington, Texas 76001, hereinafter called ANDRITZ,

WITNESSETH THAT: WHEREAS, FAYETTEVILLE has waived competitive bidding for the procurement of belt filter wastewater treatment equipment as the current situation is exceptional due the finding that competitive bidding is neither feasible or practical in accordance with Arkansas Purchasing Law (19-11-103); and the negotiated procurement of this equipment is permissible under the Arkansas Soil and Water Conservation Commission's Revolving Loan Fund Program; and the negotiated procurement process has secured what is deemed a reasonable and competitive proposal for the purchase of three Andritz belt filter presses (see attached letter of October 29, 2004 from Black and Veatch) as set forth in the quotations from Andritz (see attached proposals S-2736-04-80 and S-3667-04-08 from ANDRITZ); and the negotiated procurement materials having all been approved by the City Council of Fayetteville, Arkansas; and

WHEREAS, pursuant to the non-competitive solicitation and negotiation, ANDRITZ is deemed to be a reasonable, responsible, competitive and qualified provider for the belt filter wastewater treatment equipment;

NOW THEREFORE, ANDRITZ agrees with FAYETTEVILLE to provide up to three belt filter presses in accordance with the quotation and negotiated procurement terms; to guarantee the prices for stipulated goods and services for the specified term; and to allow the terms and conditions of the equipment procurement to be transferred to future contractor(s) of FAYETTEVILLE; the agreement herewith provides for the following procurement terms:

1. **FAYETTEVILLE will pay to ANDRITZ a security deposit in the amount of five percent (5%) of the total equipment quote of six hundred seventy two thousand one hundred fifty seventy dollars and no cents ($672,157.00), said refundable deposit to be thirty three thousand six hundred seven dollars and thirty five cents ($33,607.35);**
2. **FAYETTEVILLE will require successful bidders of the Noland wastewater plant upgrading (Contract EP-2) and of the new west side treatment plant (Contract WP-3) to use ANDRITZ equipment and pricing in developing pricing and completing the projects;**
3. **FAYETTEVILLE will require said successful bidders, as noted above, to issue purchase orders to ANDRITZ within sixty (60) calendar days of contract award for the applicable belt filter equipment and services;**
4. **FAYETTEVILLE agrees to complete its bidding and contracting processes for the Noland wastewater plant upgrading project (Contract EP-2) and the west side wastewater plant (Contract WP-3) and have its contractors issue purchase orders within 30 months of the date of this agreement to guarantee ANDRITZ's current pricing;**
5. **ANDRITZ agrees to furnish the belt filter equipment, spare parts and services stipulated in the proposal and described in Black and Veatch's specifications for the following prices:**
    a. **One belt filter press for the Noland wastewater plant upgrading project (Contract EP-2) for two hundred forty nine thousand four hundred twenty nine dollars and no cents *($249,429.00*),**
    b. **Two belt filter presses for the west side wastewater treatment plant (Contract WP-3) for (*$392,728.00*)**

c. Delivery for the equipment shall be in accordance with the times set forth in the quotation,

6. ANDRITZ shall refund the prorated share FAYETTEVILLE's five-percent deposit within thirty days of receiving the contractor's purchase order for said equipment;
7. ANDRITZ agrees that upon expiration of the 30-month pricing guarantee period that it will refund two-thirds (66 and 2/3 percent) of any remaining security deposit funds to FAYETTEVILLE, retaining one-third (33 and 1/3 percent) as forfeiture by FAYETTEVILLE;

And, FAYETTEVILLE agrees to pay ANDRITZ the security deposit amount within approximately thirty days of the date of execution of this agreement by both parties;

It is further understood and agreed that should ANDRITZ be delayed at any time in the progress of the work by any act or neglect of the FAYETTEVILLE or of the City of Fayetteville's employees, or by any other Contractor employed by the City of Fayetteville, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond ANDRITZ's control, or by any cause which FAYETTEVILLE shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as FAYETTEVILLE may decide,

Changes, modifications, or amendments in scope, price or fees to this contract shall be permissible by the mutual consent of ANDRITZ and FAYETTEVILLE. Agreement modifications shall not be allowed without a prior formal written agreement amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act. (A.C.A. 25-19-101 et. Seq.) Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance."

ANDRITZ shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of performance or nonperformance of the services or subject matter called for in this contract, provided that nothing herein shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville under the Constitution and Statutes of the State of Arkansas.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the City of Fayetteville and Contractor have hereto set their hands and seals, respectively.

ANDRITZ	City of Fayetteville, Arkansas
By: _____	By: _____
Authorized Signature	Mayor Dan Coody
_____	_____
Witness*	City Clerk, Sondra Smith

*If corporation, secretary should attest.

End of Contract

BLACK & VEATCH CORPORATION

MEMORANDUM

Fayetteville, Arkansas
Belt Filter Presses
Negotiated Price Meeting

B&V Project No. 135045
B&V File B-1.1
October 29, 2004

Meeting Attendees:

Fayetteville / OMI
Greg Boettcher
Billy Ammons (OMI)
Stan Williams (OMI)

Burns & McDonnell
Brian Foy
John Sonderegger

MWY
Jeff Richards
Lane Crider

B&V
Larry Chapple

Andritz / ETEC
Chad Cooley - ETEC
Jamie French - Andritz

To: Distribution

From: Larry Chapple

A second meeting was held at the Noland WWTP in Fayetteville, Arkansas on Thursday October 28, 2004 where Andritz presented pricing for the new belt filter presses at the Noland and West Side Plants. The following items were discussed.

Pricing was presented for the two plants. The base cost used for the pricing was the competitively bid price for the belt filter press currently at the Noland plant. A cost was deducted from that price for the skid mounted frame and polymer system that was furnished with the existing press but will not be required for the new presses. Costs were added to this base price to reflect the additional equipment and services required for the new presses. Pricing was provided for PLCs furnished by Allen Bradley (Andritz's standard PLC) with an additional cost provided if Modicon is to be furnished. It was agreed to reduce the amount of additional field services and spare parts included the specifications for the two plants. A $15,000 per press discount was offered by Andritz for proceeding with the purchase of all three presses at once.

With adjustments but before the discount, pricing for the presses were calculated to be:

One press at Noland with Modicon	$264,429
Two presses at West Side with Modicon	$422,728
Total	$717,157
With $45,000 discount	$672,157

A discount of $14,400 will also be made should Allen Bradley be the selected PLC supplier at both plants.

As discussed at the September 14th meeting, the City intends to provide an earnest money deposit equal to 5 percent of the anticipated cost for the new presses to Andritz. This money will be

BLACK & VEATCH CORPORATION

MEMORANDUM

Fayetteville, Arkansas
Belt Filter Presses
Negotiated Price Meeting

B&V Project No. 135045
B&V File B-1.1
October 29, 2004

returned to the City, once Andritz has received a purchase order from the contractor for each plant. To better assure the City can get their earnest money deposit back in a timely manner, the specifications for the two plants will state that the Contractor shall submit a purchase order for the belt filter presses to Andritz within 60 days of receiving Notice To Proceed. It was also discussed what would happen if an order is never place for the presses. The City suggested that as a press is ordered by the Contractor, Andritz will return one third of the earnest money (one third for each press ordered). Should the City at some point determine that they are not going to complete the transaction, the City suggested that 2/3 of the earnest money for each press not ordered be returned to the City and Andritz keep the remaining 1/3.

PLCs. The City's desire is to standardize on one supplier for PLCs at both plants. Approach taken is to name Allen Bradley and Modicon as the only acceptable suppliers allowed for Contract EP-2 at Noland. Once either Allen Bradley or Modicon is selected, the West Side plant specifications will indicate that the selected supplier shall be used for all PLCs at the West Side plant. Andritz will also be advised on the selected supplier and the price for the presses will be adjusted accordingly.

Andritz will prepare a formal written proposal based on discussions at this meeting.

Proposal will need to include:

- That the pricing is based on providing Modicon PLCs and that if Allen Bradley is the selected supplier the discount discussed will be applied to the price.
- That the payment schedule proposed for invoicing the presses.
- The earliest delivery schedule for the presses that Andritz can provide once approved shop drawings have been submitted.
- The arrangement for handling of earnest money.
- Andritz' commitment to enter into an agreement with Contractor at each plant to provide belt filter presses as specified.

Action:

Andritz to provide backup on metals pricing.
Andritz to prepare a proposal document (letter or memorandum) for signature by City and Andritz outlining provisions discussed.
Once Andritz' proposal is received, City will have legal counsel review the approach and provide comments.

Schedule:

Andritz plans to provide a proposal within the next couple of weeks.

cc: Attendees

WSIP DESIGN
Black & Veatch

FILE COPY

Fayetteville
ARKANSAS

WATER AND WASTEWATER DEPARTMENT

September 16 2004

TO: Steve Davis, Peggy Vice, Jerry Sonderegger, Earl Jenkins, Billy Ammons, David Jurgens

COPY TO: Hugh Earnest

FROM: Greg Boettcher, Water and Wastewater Director

SUBJECT: Negotiated Purchase of Three Belt Filter Presses with Programmable Logic Control, Wastewater Project

A meeting was held on September 15, 2004 to discuss the negotiated purchase of wastewater plant equipment, the process being led by Black and Veatch Consulting Engineers. The city has an Andritz dewatering press that is approximately one year old, this warranting the standardization around the current manufacturer. The original procurement was a competitive process, justifying the negotiation of the three additional units. The Arkansas Soil and Water Conservation Commission has approved the use of a negotiated procurement process.

The key challenge in this procurement relates to securing firm pricing for the two treatment plant contracts that will be an estimated 3 to 6 months apart. With volatility in material costs, the manufacturer cannot guarantee a quote for such a period of time—and the schedule can change due to factors outside the city's control. Early in this process it was determined that the city would not use direct purchase, rather would secure firm pricing for a specific manufacturer with the General Contractor to then use the established price for computing his bid. The General Contractor would issue the purchase order, coordinate delivery and make payments. This would reduce potentials for divided responsibilities or disputes.

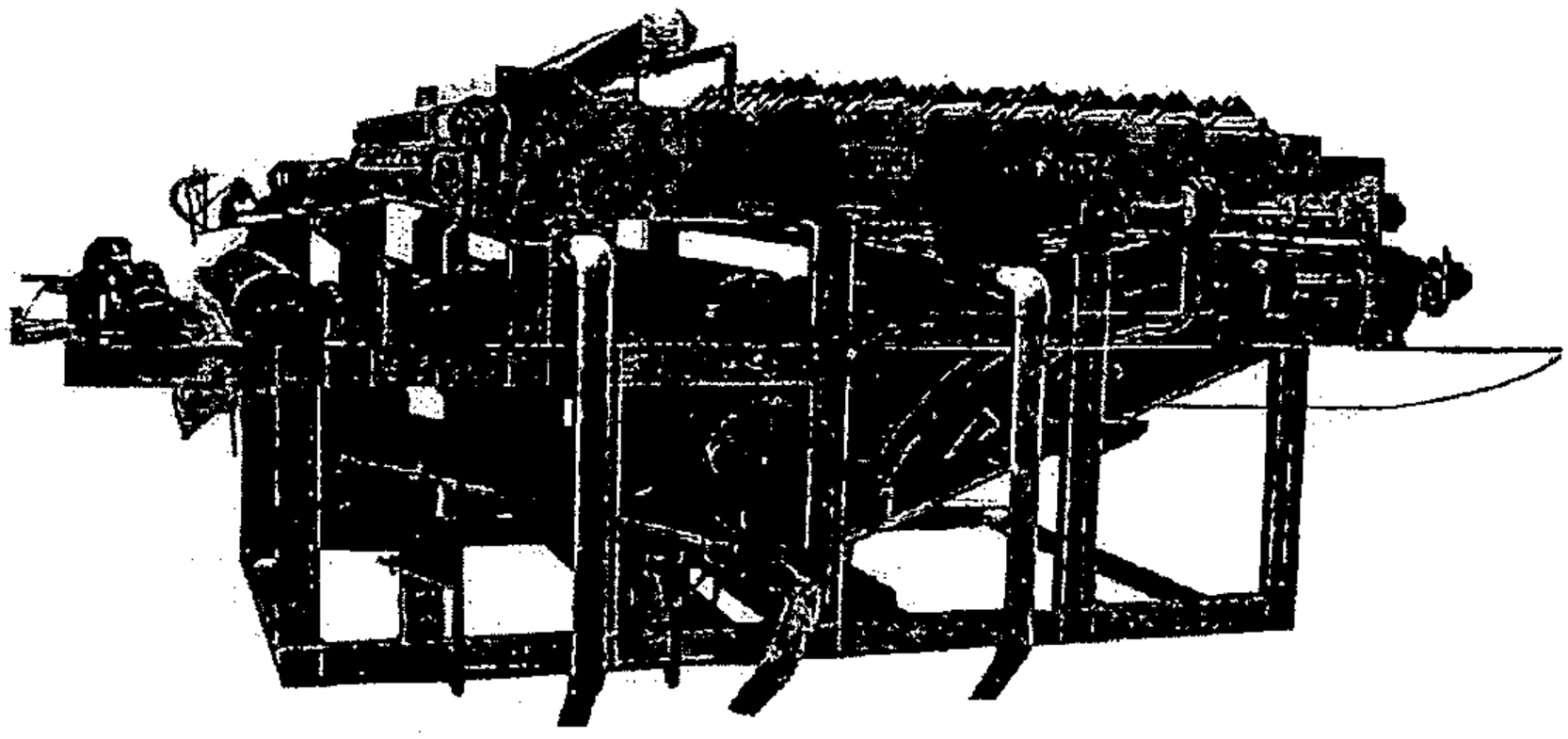
Given this dilemma for firm pricing in the face of uncertain delivery dates, the vendor has offered a mechanism to remove the time-sensitive pricing, a 5% of purchase price payment to allow the early purchase of primary materials—thereby removing the cost escalation issue. I have proposed that the vendor frame this payment as an earnest money deposit, with the deposit to be refunded to Fayetteville as the contractor's purchase orders are received. In this manner the city may use the water and sewer fund balance to make the 5% earnest money payment, the payment to be fully refunded to Fayetteville as equipment orders are placed. The General Contractors will then use the full price of the equipment in computing bids, keeping all project costs under the construction agreement and all payments from sales tax proceeds will flow under the construction contract agreement. We will not need to make adjusting entries or special explanations once the work is underway as the bid prices will be fully loaded.

While there is an opportunity cost of using the city funds, the savings and benefits far exceed this nominal cost. It is predicted that the equipment pricing will be on the order

of $800,000.00; equating to an earnest money deposit of $40,000.00. The savings from the multiple purchases are predicted at $15,000.00 per unit, or $45,000.00. Coupled with this sizeable return on investment is the benefit of equipment uniformity.

Based upon this concept, I ask that those involved advise me of any concerns or problems with the approach. The selected vendor is an established equipment provider whose origins date back to the turn of the century. Andritz is a premier manufacturer of wastewater treatment equipment, therefore, the level of risk with the earnest money deposit is deemed nonexistent. The vendor will furnish a formal, signed quotation at the conclusion of the negotiations that will require the 5% refundable earnest money deposit. It is planned to route this through the Sewer Committee and if needed the City Council. It is a clear benefit to the city to proceed with this approach.

Andritz Dewatering Technologies



Andritz Proposal
No. S-2736-04-80

December 3, 2004

To

City of Fayetteville, Arkansas

Mr. Greg Boettcher, P.E.
Water & Wastewater Director
113 West Mountain
Fayetteville, AR 72701

For

Purchase of Belt Filter Press for the
Noland WWTP Expansion Project

Andritz-Ruthner, Inc. Representative

Chad Cooley – ETEC – (501) 978-1025

This proposal is the confidential and proprietary information of Andritz-Ruthner, Inc. Any party accepting receipt of this proposal does so on the express understanding and agreement that they will neither copy, reproduce, disclose to third parties or use this proposal for any purpose other than those expressly agreed to by Andritz-Ruthner, Inc. in writing. Such party also agrees to indemnify Andritz-Ruthner, Inc. against any losses or damages suffered by Andritz-Ruthner, Inc. as a result of such party's improper reproduction, disclosure or use of this proposal.

ANDRITZ

ENVIRONMENT AND PROCESS TECHNOLOGIES

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ANDRITZ

ENVIRONMENT AND PROCESS TECHNOLOGIES

December 3, 2004

City of Fayetteville, Arkansas
Mr. Greg Boettcher, P.E.
Water & Wastewater Director
113 West Mountain
Fayetteville, AR 72701

REFERENCE: Purchase of Belt Filter Press for the ***Noland WWTP*** Expansion Project

Mr. Boettcher,

Andritz is happy to be the preselected belt press supplier for the upcoming expansion project at the Noland WWTP. We appreciate your business and will work diligently to maintain your satisfaction of the Andritz equipment purchased for this project.

This proposal package provides details of the negotiated sales price and scope of supply regarding the preselected Andritz belt press equipment for the Noland WWTP.

Should you have further questions regarding our equipment, company or this proposal please contact the local Andritz equipment representative for your area, Chad Cooley of ETEC at (501) 978-1025 or me at (817) 465-5611.

Thank you,

Jamie French
Regional Sales Manager
Andritz-Ruthner, Inc.

Cc. Chad Cooley – ETEC, Larry Chapple – Black & Veatch

ENVIRONMENT AND PROCESS TECHNOLOGIES

GENERAL INFORMATION FOR ANDRITZ PROPOSAL #S-2736-04-80

I. Proposal being presented by:

Andritz-Ruthner, Inc.
1010 Commercial Blvd. S.
Arlington, TX 76001
(817) 465-5611

Regular business hours are 8:00 am to 5:00 pm, Monday - Friday, Central Standard Time.

Andritz-Ruthner, Inc. is an incorporated, international business, incorporated under the laws of the state of Delaware since 1978.

The Andritz Ruthner, Inc. location stated above will be responsible for the work to supply the centrifuge dewatering equipment being proposed in this package.

The Andritz-Ruthner, Inc. Location stated above is a subsidiary of the parent company, Andritz in Graz, Austria.

II. Names of Andritz contacts authorized to make representation regarding this proposal:

John Madden – President
Ken Dodson – National Sales Manager
Jamie French – Regional Municipal Sales Manager
Mike Teeter – Project Manager

ENVIRONMENT AND PROCESS TECHNOLOGIES

Andritz

Proposal Package #S-2736-04-80

For

City of Fayetteville, Arkansas

Purchase of Belt Filter Press for the Noland WWTP Expansion Project

December 3, 2004

A. Equipment Pricing:

Supply of One (1) 2.0-meter, SMX-S8, Low Profile Belt Filter Press meeting requirements of **Black & Veatch** equipment specification sections 11340 – BELT FILTER PRESS EQUIPMENT, 11340A – BELT FILTER PESS AUXILIARY EQUIPMENT CONTROL, 13530 – PROGRAMMABLE LOGIC CONTROLLERS, 16220 – GENERAL PURPOSE INDUCTION MOTORS.

Final Sales Price:.....$249,429.00

Note:

Certain items regarding the scope of supply required by the above referenced specification sections have been changed by the City of Fayetteville to provide this equipment supply tightly tailored to the specific need. The following scope of supply reflects these changes.

The above pricing includes Modicon brand PLC & OIT control components. Should Allen Bradley brand components be preferred a $7,200.00 credit / discount to the above pricing will be applied by Andritz.

Contract Commitment Statement:

Andritz agrees to enter into a supply contract with the awarded construction / installing contractor to provide the scope of supply established in this proposal providing all terms and conditions within this proposal document are applicable.

ENVIRONMENT AND PROCESS TECHNOLOGIES

B. Scope of Supply Included in Andritz Price:

ITEM #	QTY	DESCRIPTION
1.	One	Andritz CPF 2.0m, SMX®-S8, Low Profile Belt Filter Press comes with a torsion proof, HDG, carbon Steel frame, and all wetted parts 316L stainless steel. The Andritz belt filter press unit will include the following:

- Sealed, splash proof, split case, pillow block bearings
- One (1) set of seamed dewatering fabrics
- Buna N rubber and Rilsan covered rolls
- Upper & lower stainless steel showers with internal brush and hand wheel for cleaning
- Upper & lower fully automatic dewatering fabric tracking and tensioning device
- Venturi Mixer for polymer and sludge mixing
- Eurodrive reducer complete with motor mounting bracket, high speed coupling, and guards with motor and VFD
- Wiring of emergency stop and belt runoff limit switches
- Gravity zone plows with HDG assembly and fixtures
- Nema 4X 316L stainless steel electric/pneumatic control panel with PLC automation

316L SS assemblies included

- Venturi Mixer
- Distribution assembly
- Gravity zone sidewalls
- Belt support framework in gravity and wedge sections
- Thrust rod guides
- Upper and lower shower boxes
- Filtrate pans
- All nuts, bolts, and associated hardware
- Perforated Rolls

2.	Lot	Engineering and Documentation:

- Arrangement drawings and dimensions for the Andritz scope
- Foundation drawings showing details needed for building work
- Motor list
- Written sequence of operation including all interlocks
- Control panel layout
- Controls schematics
- Terminal box details
- Operation/Maintenance/Parts manuals
- 1 trip & 2 days of on site programming / controls integration assistance

ENVIRONMENT AND PROCESS TECHNOLOGIES

3. The following items are furnished as part of this proposal:

- Manufacturers fields services for installation inspection, operational & performance testing and customer training. (10 days & 2 trips)
- Wash water booster pump
- Air compressor with dryer and control panel (as specified)
- Freight to job site
- Warranties
- Spare parts (as specified)
- Programming manual for programming supplied

C. ***Scope Not Included in Andritz Price:***
(To be provided by others or Andritz at an additional cost)

- Access platforms (Andritz will provide recommend heights and locations if required)
- Sludge feed pumps
- Cake discharge conveyors and/or pumps
- Flow meters and related field instruments
- Static calculations of foundations, building and building plans (Andritz will furnish load data)
- All utilities required for operation and erection
- Local pressure gauges and other instruments not specified in our scope of supply
- Polymer dilution / feed systems
- Chemicals for sludge conditioning
- Offloading and unpacking at destination site
- Field wiring and piping including terminations
- Equipment installation

D. ***Additional Information:***

- Machines are shipped fully assembled.
- Equipment other than specified under Scope of Supply is not included.
- Andritz is responsible for the supply of equipment being proposed within this package. No subcontractors
- Andritz can meet the following delivery schedule:

  Submittals = Within 25 to 30 business days from receipt of acceptable P.O.
  Equipment = Within 150 to 180 calendar days from receipt of approved submittals.

ENVIRONMENT AND PROCESS TECHNOLOGIES

E. ***Terms of Payment:***

At time of equipment order	-	15%
At time of equipment delivery	-	75%
At time of final acceplance	-	10%

F. ***Commercial Conditions:***

This price proposal is based on the attached Andritz-Ruthner, Inc. "Standard Terms and Conditions of Sale". Agreement to these terms & conditions is a requirement of our doing business.

The quoted price does not include any local, state or federal taxes, permits or other fees. Any taxes or fees that may apply must be added to the quoted price and paid by the buyer.

ENVIRONMENT AND PROCESS TECHNOLOGIES

ANDRITZ-RUTHNER, INC.
STANDARD TERMS AND CONDITIONS OF SALE

1. TERMS APPLICABLE
The Terms and Conditions of Sale listed below are the exclusive terms and conditions applicable to quotations made and orders accepted by Andritz Ruthner, Inc. ("Seller") for the sales of products, equipment and parts relating thereto ("Products"). This quotation or acknowledgment and acceptance is expressly made conditional upon Buyer's assent to such terms and conditions. Any of Buyer's terms and conditions which are in addition to or different from those contained herein, which are not separately agreed to by Seller in writing, are hereby objected to and shall be of no effect. Objections to any terms and conditions contained herein shall be deemed waived if Seller does not receive written notice thereof within 20 days of the date of this acknowledgment. Buyer in any event will be deemed to have assented to the terms and conditions contained herein if Buyer either makes any payment to Seller or accepts any delivery of the Product. The term "this Agreement" as used herein means this quotation or acknowledgment together with any attachment hereto, any documents expressly incorporated by reference and these Standard Terms and Conditions of Sale.

2. DELIVERY
(a) Delivery dates are good faith estimates and do not mean that "time is of the essence". Buyer's failure to promptly make advance or interim payments, supply technical information, drawings and approvals will result in a commensurate delay in delivery. Unless otherwise agreed in writing by Seller, title and risk of loss or damage to the Products shall pass to Buyer upon delivery of the Products F.O.B., Seller's plant (F.O.B., point of manufacture for any Product shipped direct to Buyer from any location other than Seller's plant).
(b) Seller shall not be liable for any loss or delay due to acts of governmental authority, laws or regulations, strikes, fires, floods, earthquakes, severe weather, epidemics, quarantine restrictions, war, riot, acts of Buyer, wrecks, delays in transportation, inability to obtain necessary labor or materials from usual sources, or other causes beyond the reasonable control of Seller. In the event of any such delay in performance due to such causes, the date of delivery or performance shall be deferred for a period equal to the time lost by the reason of the delay.

3. WARRANTY
(a) Seller warrants to Buyer that the Products will be delivered free from defects in material and workmanship. This warranty shall commence upon delivery of the Products and shall expire on the earlier to occur of 12 months from initial operation of the Products and 18 months from delivery thereof (the "Warranty Period"). If during the Warranty Period Buyer discovers a defect in material or workmanship and gives Seller written notice thereof within 10 days of such discovery, Seller will, at its option, either deliver to Buyer a replacement part or repair the defect in place. Seller will have no warranty obligations under this paragraph 3(a): (i) if Buyer fails to ensure that the Products are operated and maintained in accordance with generally approved industry practice and with Seller's specific written instructions; (ii) if the Products are used in connection with any mixture or substance or operating condition other than that for which they were designed; (iii) if Buyer fails to give Seller such written 10 day notice; (iv) if the Products are repaired by someone other than Seller or have been intentionally or accidentally damaged, or (v) corrosion, erosion, ordinary wear and tear or in respect of any parts which by their nature are exposed to severe wear and tear or are considered expendable.
(b) Seller further warrants to Buyer that at delivery, the Products will be free of any liens or encumbrances. If there are any such liens or encumbrances, Seller will cause them to be discharged promptly after notification from Buyer of their existence.
(c) THE EXPRESS WARRANTIES SELLER MAKES IN THIS PARAGRAPH 3 ARE THE ONLY WARRANTIES IT WILL MAKE. THERE ARE NO OTHER WARRANTIES, WHETHER STATUTORY, ORAL, EXPRESS OR IMPLIED. IN PARTICULAR, THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
(d) The remedies provided in paragraphs 3(a) and 3(b) are Buyer's exclusive remedy for breach of warranty.

4. LIMITATION OF LIABILITY
The remedies of buyer set forth herein are exclusive and the aggregate liability of seller for all claims of any kind for any loss or damage resulting from, arising out of or connected with this agreement or from the performance or breach thereof, or from the manufacture, sale, delivery, resale, repair or use of any product, shall in no event exceed the price allocable to the product which gave rise to the claims. The foregoing notwithstanding, if applicable, any claims for (a) delay shall not exceed 10% and (b) breach of performance guarantees shall not exceed 20% of the price. In no event shall seller be liable to buyer or any party for special, incidental or consequential damages of any nature, including, but not limited to, loss of profits or revenue or business opportunity, loss by reason of shutdown of facilities or inability to operate any facility at full capacity, or cost of obtaining replacement power. The limitations and exclusions of liability set forth in this paragraph shall apply to any claim, whether based on contract, warranty, tort (including negligence), fault, strict liability, indemnity, or otherwise. All liability of Seller to Buyer, arising out of this Agreement, shall terminate at the expiration of 3 years after final acceptance. The provisions of this paragraph 4 shall supersede any inconsistent provisions in any instrument forming part of this agreement.

5. TAXES
Seller's prices do not include any sales, use, excise or other taxes. In addition to the price specified herein, the amount of any present or future sales, use, excise or other tax applicable to the sale or use of the Products shall be billed to and paid by Buyer unless Buyer provides to Seller a tax-exemption certificate acceptable to the relevant taxing authorities.

6. SECURITY INTEREST
Seller shall retain a purchase money security interest in the Products until all payments have been made in full. Buyer agrees to do all acts necessary to perfect and maintain such security interest in Seller and to protect Seller's interest in the Products.

7. SET OFF
Neither Buyer nor any of its affiliates shall have any right to set off claims against Seller or any of its affiliates for amounts owed under this Agreement or otherwise.

8. PATENTS
Unless the Products or any part thereof are designed to Buyer's specifications and provided the Product or any part thereof is not used in any manner other than as specified or approved by Seller in writing, (i) Seller shall defend against any suit or proceeding brought against Buyer to the extent based on a claim that any Product, or any part thereof, infringes any United States patents; provided Seller is notified promptly in writing and given authority, information and assistance for the defense of such suit or proceeding; (ii) Seller shall satisfy any judgment for damages entered against Buyer in such suit; and (iii) if such judgment enjoins Buyer from using any Product or a part thereof, then Seller shall at its option: (a) obtain for Buyer the right to continue using such Product or part; (b) eliminate the infringement by replacing or modifying all or part of the Products; or (c) take back such Product or part and refund to Buyer all payments on the purchase price which Seller has received, in which case neither Buyer nor Seller will have any claim against the other under this Agreement or arising out of the subject matter of this Agreement. The foregoing states Seller's entire liability for patent infringement by any Product or part thereof.

9. CANCELLATION
Buyer may only cancel its order upon written notice to Seller and upon payment to Seller of Seller's cancellation charges, which shall be specified to Buyer and shall take into account among other things expenses (direct and indirect) incurred and commitments already made by Seller and an appropriate profit. In the event of the bankruptcy or insolvency of Buyer or in the event of any bankruptcy or insolvency proceeding brought by or against Buyer, Seller shall be entitled to cancel any order outstanding at any time during the period allowed for filing claims against the estate and shall receive reimbursement for its cancellation charges.

10. CHANGES
Seller will not make changes in the Products unless Buyer and Seller have executed a written Change Order for such change. Such Change Order will include an appropriate price adjustment. If the change impairs Seller's ability to satisfy any of its obligations to Buyer, the Change Order will include appropriate modifications to this Agreement. If after the date of this quotation or acknowledgment, new or revised governmental requirements should require a change in the Products, the change will be subject to this paragraph 10.

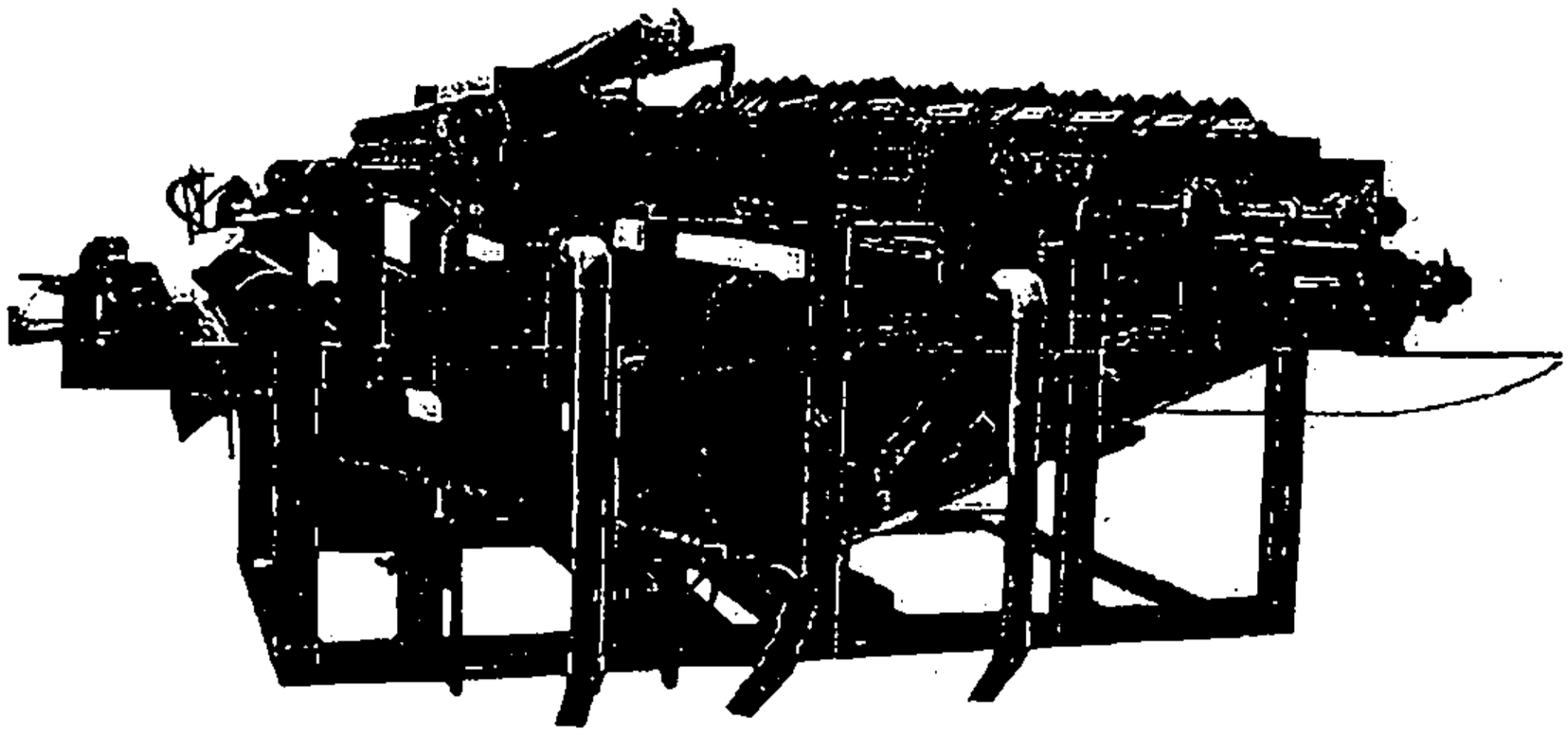
11. CONFIDENTIALITY
Buyer acknowledges that the information which Seller submits to Buyer in connection with this quotation or acknowledgment includes Seller's confidential and proprietary information, both of a technical and commercial nature. Buyer agrees not to disclose such information to third parties without Seller's prior written consent. Buyer further agrees not to permit any third party to fabricate the Products or any parts thereof from Seller's drawings. Buyer will defend and indemnify Seller from any claim, suit, or liability based on personal injury (including death) or property damage related to any Product or part thereof which is fabricated by a third party without Seller's prior written consent and from and against related costs, charges and expenses (including attorneys fees). All copies of Seller's drawings shall remain Seller's property and may be reclaimed by Seller at any time.

12. END USER
If Buyer is not the end user of the Products sold hereunder (the "End User"), then Buyer will use its best efforts to obtain the End User's written consent to be bound to Seller by the provisions of paragraphs 3, 4, 5, and 11 hereof. If Buyer does not obtain such End User's consent, Buyer shall defend and indemnify Seller and Seller's agents, employees, subcontractors, and suppliers from any action, liability, cost, loss or expense for which Seller would not have been liable or from which Seller would have been indemnified if Buyer had obtained such End User's consent.

13. GENERAL
(a) Seller represents that any Products or parts thereof manufactured by Seller will be produced in compliance with all applicable Federal, state and local laws applicable to their manufacture and in accordance with Seller's engineering standards. Seller shall not be liable for failure of the Products to comply with any other specifications, standards, laws or regulations.
(b) This Agreement shall inure only to the benefit of Buyer and Seller and their respective successors and assigns. Any assignment of this Agreement or any of the rights or obligations hereunder, by either party without the written consent of the other party shall be void.
(c) This Agreement contains the entire and only agreement between the parties with respect to the subject matter hereof and supersedes all prior oral and written understandings between Buyer and Seller concerning the Products, and any prior course of dealings or usage of the trade not incorporated herein.
(d) This Agreement (including these standard terms and conditions of sale) may be modified, supplemented or amended only by a writing signed by an authorized representative of Seller. Seller's waiver of any breach by Buyer of any terms of this Agreement must also be in writing and any waiver by Seller or failure by Seller to enforce any of the terms and conditions of this Agreement at any time, shall not affect, limit or waive Seller's right thereafter to enforce and compel strict compliance with every term and condition thereof.
(e) This Agreement and the performance thereof will be governed by and construed according to the laws of the State of Texas. The parties hereto irrevocably submit to the jurisdiction of the Federal and State courts sitting in Tarrant County, Texas and waive any claims as to inconvenient forum. In the event this Agreement pertains to the sale of any goods outside the United States, the parties agree that the United Nations Convention for the International Sale of Goods shall not apply to this Agreement.

8/2003

Andritz Dewatering Technologies



Andritz Proposal
No. S-3667-04-80

December 3, 2004

To

City of Fayetteville, Arkansas

Mr. Greg Boettcher, P.E.
Water & Wastewater Director
113 West Mountain
Fayetteville, AR 72701

For

Purchase of Belt Filter Presses for the
West Side WWTP Expansion Project

Andritz-Ruthner, Inc. Representative

Chad Cooley – ETEC – (501) 978-1025

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ANDRITZ

ENVIRONMENT AND PROCESS TECHNOLOGIES

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F. Commercial Conditions

ENVIRONMENT AND PROCESS TECHNOLOGIES

December 3, 2004

City of Fayetteville, Arkansas
Mr. Greg Boettcher, P.E.
Water & Wastewater Director
113 West Mountain
Fayetteville, AR 72701

REFERENCE: Purchase of Belt Filter Press for the ***West Side WWTP*** Expansion Project

Mr. Boettcher,

Andritz is happy to be the preselected belt press supplier for the upcoming expansion project at the West Side WWTP. We appreciate your business and will work diligently to maintain your satisfaction of the Andritz equipment purchased for this project.

This proposal package provides details of the negotiated sales price and scope of supply regarding the preselected Andritz belt press equipment for the West Side WWTP.

Should you have further questions regarding our equipment, company or this proposal please contact the local Andritz equipment representative for your area, Chad Cooley of ETEC at (501) 978-1025 or me at (817) 465-5611.

Thank you,

Jamie French
Regional Sales Manager
Andritz-Ruthner, Inc.

Cc. Chad Cooley – ETEC, Lane Crider – MW&Y, Larry Chapple – B&V

ENVIRONMENT AND PROCESS TECHNOLOGIES

GENERAL INFORMATION FOR ANDRITZ PROPOSAL #S-3667-04-80

I. Proposal being presented by:

Andritz-Ruthner, Inc.
1010 Commercial Blvd. S.
Arlington, TX 76001
(817) 465-5611

Regular business hours are 8:00 am to 5:00 pm, Monday – Friday, Central Standard Time.

Andritz-Ruthner, Inc. is an incorporated, international business, incorporated under the laws of the state of Delaware since 1978.

The Andritz Ruthner, Inc. location stated above will be responsible for the work to supply the centrifuge dewatering equipment being proposed in this package.

The Andritz-Ruthner, Inc. Location stated above is a subsidiary of the parent company, Andritz in Graz, Austria.

II. Names of Andritz contacts authorized to make representation regarding this proposal:

John Madden – President
Ken Dodson – National Sales Manager
Jamie French – Regional Municipal Sales Manager
Mike Teeter – Project Manager

ENVIRONMENT AND PROCESS TECHNOLOGIES

Andritz

Proposal Package #S-3667-04-80

For

City of Fayetteville, Arkansas

Purchase of Belt Filter Presses for the West Side WWTP Expansion Project

December 3, 2004

A. Equipment Pricing:

Supply of Two (2) 2.0-meter, SMX-S8, Low Profile Belt Filter Press meeting requirements of **McGoodwin Williams & Yates** equipment specification sections 11340 – BELT FILTER PRESS EQUIPMENT, 11340A – BELT FILTER PESS AUXILIARY EQUIPMENT CONTROL.

Final Sales Price:.....**$422,728.00**

Note:

Certain items regarding the scope of supply required by the above referenced specification sections have been changed by the City of Fayetteville to provide this equipment supply tightly tailored to the specific need. The following scope of supply reflects these changes.

The above pricing includes Modicon brand PLC & OIT control components. Should Allen Bradley brand components be preferred and supplied a $7,200.00 credit / discount to the above pricing will be applied by Andritz.

Contract Commitment Statement:

Andritz agrees to enter into a supply contract with the awarded construction / installing contractor to provide the scope of supply established in this proposal providing all terms and conditions within this proposal document are applicable.

ENVIRONMENT AND PROCESS TECHNOLOGIES

B. Scope of Supply Included in Andritz Price:

ITEM #	QTY	DESCRIPTION

1. Two — Andritz CPF 2.0m, SMX®-S8, Low Profile Belt Filter Press comes with a torsion proof, HDG, carbon Steel frame, and all wetted parts 316L stainless steel. The Andritz belt filter press unit will include the following:

- Sealed, splash proof, split case, pillow block bearings
- One (1) set of seamed dewatering fabrics
- Buna N rubber and Rilsan covered rolls
- Upper & lower stainless steel showers with internal brush and hand wheel for cleaning
- Upper & lower fully automatic dewatering fabric tracking and tensioning device
- Venturi Mixer for polymer and sludge mixing
- Eurodrive reducer complete with motor mounting bracket, high speed coupling, and guards with motor and VFD
- Wiring of emergency stop and belt runoff limit switches
- Gravity zone plows with HDG assembly and fixtures
- Nema 4X 316L stainless steel electric/pneumatic control panel with PLC automation

316L SS assemblies included

- Venturi Mixer
- Distribution assembly
- Gravity zone sidewalls
- Belt support framework in gravity and wedge sections
- Thrust rod guides
- Upper and lower shower boxes
- Filtrate pans
- All nuts, bolts, and associated hardware
- Perforated Rolls

2. Lot — Engineering and Documentation:

- Arrangement drawings and dimensions for the Andritz scope
- Foundation drawings showing details needed for building work
- Motor list
- Written sequence of operation including all interlocks
- Control panel layout
- Controls schematics
- Terminal box details
- Operation/Maintenance/Parts manuals
- 1 trip & 2 days of on site programming / controls integration assistance

ENVIRONMENT AND PROCESS TECHNOLOGIES

3. The following items are furnished as part of this proposal:

- Manufacturers fields services for installation inspection, operational & performance testing and customer training. (10 days & 2 trips)
- Air compressor with dryer and control panel (as specified)
- Freight to job site
- Warranties
- Programming manual for As built PLC programming

C. ***Scope Not Included in Andritz Price:***
(To be provided by others or Andritz at an additional cost)

- Access platforms (Andritz will provide recommend heights and locations if required)
- Sludge feed pumps
- Wash water booster pumps
- Cake discharge conveyors and/or pumps
- Flow meters and related field instruments
- Static calculations of foundations, building and building plans (Andritz will furnish load data)
- All utilities required for operation and erection
- Local pressure gauges and other instruments not specified in our scope of supply
- Polymer dilution / feed systems
- Chemicals for sludge conditioning
- Offloading and unpacking at destination site
- Field wiring and piping including terminations
- Spare parts
- Equipment installation

D. ***Additional Information:***

- Machines are shipped fully assembled.
- Equipment other than specified under Scope of Supply is not included.
- Andritz is responsible for the supply of equipment being proposed within this package. No subcontractors
- Andritz can meet the following delivery schedule:

  Submittals = Within 25 to 30 business days from receipt of acceptable P.O.
  Equipment = Within 150 to 180 calendar days from receipt of approved submittals.

ENVIRONMENT AND PROCESS TECHNOLOGIES

E. ***Terms of Payment:***

At time of equipment order - 15%

At time of equipment deliver

ANDRITZ

ENVIRONMENT AND PROCESS TECHNOLOGIES

E. ***Terms of Payment:***

At time of equipment order	-	15%
At time of equipment delivery	-	75%
At time of final acceptance	-	10%

F. *Commercial Conditions:*

This price proposal is based on the attached Andritz-Ruthner, Inc. "Standard Terms and Conditions of Sale". Agreement to these terms & conditions is a requirement of our doing business.

The quoted price does not include any local, state or federal taxes, permits or other fees. Any taxes or fees that may apply must be added to the quoted price and paid by the buyer.

ENVIRONMENT AND PROCESS TECHNOLOGIES

ANDRITZ-RUTHNER, INC.
STANDARD TERMS AND CONDITIONS OF SALE

1. TERMS APPLICABLE
The Terms and Conditions of Sale listed below are the exclusive terms and conditions applicable to quotations made and orders accepted by Andritz Ruthner, Inc. ("Seller") for the sales of products, equipment and parts relating thereto ("Products"). This quotation or acknowledgment and acceptance is expressly made conditional upon Buyer's assent to such terms and conditions. Any of Buyer's terms and conditions which are in addition to or different from those contained herein, which are not separately agreed to by Seller in writing, are hereby objected to and shall be of no effect. Objections to any terms and conditions contained herein shall be deemed waived if Seller does not receive written notice thereof within 20 days of the date of this acknowledgment. Buyer in any event will be deemed to have assented to the terms and conditions contained herein if Buyer either makes any payment to Seller or accepts any delivery of the Product. The term "this Agreement" as used herein means this quotation or acknowledgment together with any attachment hereto, any documents expressly incorporated by reference and these Standard Terms and Conditions of Sale.

2. DELIVERY
(a) Delivery dates are good faith estimates and do not mean that "time is of the essence". Buyer's failure to promptly make advance or interim payments, supply technical information, drawings and approvals will result in a commensurate delay in delivery. Unless otherwise agreed in writing by Seller, title and risk of loss or damage to the Products shall pass to Buyer upon delivery of the Products F.O.B., Seller's plant (F.O.B., point of manufacture for any Product shipped direct to Buyer from any location other than Seller's plant).
(b) Seller shall not be liable for any loss or delay due to acts of governmental authority, laws or regulations, strikes, fires, floods, earthquakes, severe weather, epidemics, quarantine restrictions, war, riot, acts of Buyer, wrecks, delays in transportation, inability to obtain necessary labor or materials from usual sources, or other causes beyond the reasonable control of Seller. In the event of any such delay in performance due to such causes, the date of delivery or performance shall be deferred for a period equal to the time lost by the reason of the delay.

3. WARRANTY
(a) Seller warrants to Buyer that the Products will be delivered free from defects in material and workmanship. This warranty shall commence upon delivery of the Products and shall expire on the earlier to occur of 12 months from initial operation of the Products and 18 months from delivery thereof (the "Warranty Period"). If during the Warranty Period Buyer discovers a defect in material or workmanship and gives Seller written notice thereof within 10 days of such discovery, Seller will, at its option, either deliver to Buyer a replacement part or repair the defect in place. Seller will have no warranty obligations under this paragraph 3(a): (i) if Buyer fails to ensure that the Products are operated and maintained in accordance with generally approved industry practice and with Seller's specific written instructions; (ii) if the Products are used in connection with any mixture or substance or operating condition other than that for which they were designed; (iii) if Buyer fails to give Seller such written 10 day notice; (iv) if the Products are repaired by someone other than Seller or have been intentionally or accidentally damaged, or (v) corrosion, erosion, ordinary wear and tear or in respect of any parts which by their nature are exposed to severe wear and tear or are considered expendable.
(b) Seller further warrants to Buyer that at delivery, the Products will be free of any liens or encumbrances. If there are any such liens or encumbrances, Seller will cause them to be discharged promptly after notification from Buyer of their existence.
(c) THE EXPRESS WARRANTIES SELLER MAKES IN THIS PARAGRAPH 3 ARE THE ONLY WARRANTIES IT WILL MAKE. THERE ARE NO OTHER WARRANTIES, WHETHER STATUTORY, ORAL, EXPRESS OR IMPLIED. IN PARTICULAR, THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
(d) The remedies provided in paragraphs 3(a) and 3(b) are Buyer's exclusive remedy for breach of warranty.

4. LIMITATION OF LIABILITY
The remedies of buyer set forth herein are exclusive and the aggregate liability of seller for all claims of any kind for any loss or damage resulting from, arising out of or connected with this agreement or from the performance or breach thereof, or from the manufacture, sale, delivery, resale, repair or use of any product, shall in no event exceed the price allocable to the product which gave rise to the claims. The foregoing notwithstanding, if applicable, any claims for (a) delay shall not exceed 10% and (b) breach of performance guarantees shall not exceed 20% of the price. In no event shall seller be liable to buyer or any party for special, incidental or consequential damages of any nature, including, but not limited to, loss of profits or revenue or business opportunity, loss by reason of shutdown of facilities or inability to operate any facility at full capacity, or cost of obtaining replacement power. The limitations and exclusions of liability set forth in this paragraph shall apply to any claim, whether based on contract, warranty, tort (including negligence), fault, strict liability, indemnity, or otherwise. All liability of Seller to Buyer, arising out of this Agreement, shall terminate at the expiration of 3 years after final acceptance. The provisions of this paragraph 4 shall supersede any inconsistent provisions in any instrument forming part of this agreement.

5. TAXES
Seller's prices do not include any sales, use, excise or other taxes. In addition to the price specified herein, the amount of any present or future sales, use, excise or other tax applicable to the sale or use of the Products shall be billed to and paid by Buyer unless Buyer provides to Seller a tax-exemption certificate acceptable to the relevant taxing authorities.

6. SECURITY INTEREST
Seller shall retain a purchase money security interest in the Products until all payments have been made in full. Buyer agrees to do all acts necessary to perfect and maintain such security interest in Seller and to protect Seller's interest in the Products.

7. SET OFF
Neither Buyer nor any of its affiliates shall have any right to set off claims against Seller or any of its affiliates for amounts owed under this Agreement or otherwise.

8. PATENTS
Unless the Products or any part thereof are designed to Buyer's specifications and provided the Product or any part thereof is not used in any manner other than as specified or approved by Seller in writing, (i) Seller shall defend against any suit or proceeding brought against Buyer to the extent based on a claim that any Product, or any part thereof, infringes any United States patents; provided Seller is notified promptly in writing and given authority, information and assistance for the defense of such suit or proceeding; (ii) Seller shall satisfy any judgment for damages entered against Buyer in such suit; and (iii) if such judgment enjoins Buyer from using any Product or a part thereof, then Seller shall at its option: (a) obtain for Buyer the right to continue using such Product or part; (b) eliminate the infringement by replacing or modifying all or part of the Products; or (c) take back such Product or part and refund to Buyer all payments on the purchase price which Seller has received, in which case neither Buyer nor Seller will have any claim against the other under this Agreement or arising out of the subject matter of this Agreement. The foregoing states Seller's entire liability for patent infringement by any Product or part thereof.

9. CANCELLATION
Buyer may only cancel its order upon written notice to Seller and upon payment to Seller of Seller's cancellation charges, which shall be specified to Buyer and shall take into account among other things expenses (direct and indirect) incurred and commitments already made by Seller and an appropriate profit. In the event of the bankruptcy or insolvency of Buyer or in the event of any bankruptcy or insolvency proceeding brought by or against Buyer, Seller shall be entitled to cancel any order outstanding at any time during the period allowed for filing claims against the estate and shall receive reimbursement for its cancellation charges.

10. CHANGES
Seller will not make changes in the Products unless Buyer and Seller have executed a written Change Order for such change. Such Change Order will include an appropriate price adjustment. If the change impairs Seller's ability to satisfy any of its obligations to Buyer, the Change Order will include appropriate modifications to this Agreement. If after the date of this quotation or acknowledgment, new or revised governmental requirements should require a change in the Products, the change will be subject to this paragraph 10.

11. CONFIDENTIALITY
Buyer acknowledges that the information which Seller submits to Buyer in connection with this quotation or acknowledgment includes Seller's confidential and proprietary information, both of a technical and commercial nature. Buyer agrees not to disclose such information to third parties without Seller's prior written consent. Buyer further agrees not to permit any third party to fabricate the Products or any parts thereof from Seller's drawings. Buyer will defend and indemnify Seller from any claim, suit, or liability based on personal injury (including death) or property damage related to any Product or part thereof which is fabricated by a third party without Seller's prior written consent and from and against related costs, charges and expenses (including attorneys fees). All copies of Seller's drawings shall remain Seller's property and may be reclaimed by Seller at any time.

12. END USER
If Buyer is not the end user of the Products sold hereunder (the "End User"), then Buyer will use its best efforts to obtain the End User's written consent to be bound to Seller by the provisions of paragraphs 3, 4, 5, and 11 hereof. If Buyer does not obtain such End User's consent, Buyer shall defend and indemnify Seller and Seller's agents, employees, subcontractors, and suppliers from any action, liability, cost, loss or expense for which Seller would not have been liable or from which Seller would have been indemnified if Buyer had obtained such End User's consent.

13. GENERAL
(a) Seller represents that any Products or parts thereof manufactured by Seller will be produced in compliance with all applicable Federal, state and local laws applicable to their manufacture and in accordance with Seller's engineering standards. Seller shall not be liable for failure of the Products to comply with any other specifications, standards, laws or regulations.
(b) This Agreement shall inure only to the benefit of Buyer and Seller and their respective successors and assigns. Any assignment of this Agreement or any of the rights or obligations hereunder, by either party without the written consent of the other party shall be void.
(c) This Agreement contains the entire and only agreement between the parties with respect to the subject matter hereof and supersedes all prior oral and written understandings between Buyer and Seller concerning the Products, and any prior course of dealings or usage of the trade not incorporated herein.
(d) This Agreement (including these standard terms and conditions of sale) may be modified, supplemented or amended only by a writing signed by an authorized representative of Seller. Seller's waiver of any breach by Buyer of any terms of this Agreement must also be in writing and any waiver by Seller or failure by Seller to enforce any of the terms and conditions of this Agreement at any time, shall not affect, limit or waive Seller's right thereafter to enforce and compel strict compliance with every term and condition thereof.
(e) This Agreement and the performance thereof will be governed by and construed according to the laws of the State of Texas. The parties hereto irrevocably submit to the jurisdiction of the Federal and State courts sitting in Tarrant County, Texas and waive any claims as to inconvenient forum. In the event this Agreement pertains to the sale of any goods outside the United States, the parties agree that the United Nations Convention for the International Sale of Goods shall not apply to this Agreement.

8/2003

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Greg Boettcher	Water and Wastewater	Wastewater Treatment Program
Submitted By	Division	Department

Action Required:

Resolution approving Agreement with Andritz, Inc. for fixed pricing of three belt filter presses; including payment of a five percent refundable deposit to obtain pricing concessions and 30-month price guarantee. A budget adjustment is not necessary as the security deposit funds will be returned at a later date.

$33,607.85	$ -	Accounts Receivable-Unbilled
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.0300.40	$ -	Wastewater Treatment
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Water and Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — 12-3-04 Date

City Attorney — 12-6-04 Date

~~Chief Administrative Officer~~ Finance & Internal Services — 12-6-04 Date

Mayor — 12/7/04 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in Mayor's Office

Received in City Clerk's Office

Comments:

ENTERED 12-6-04

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director

DATE: December 2, 2004

SUBJECT: TIF Bond Program: Approval of Resolution of Intent to Reimburse

Recommendation
Staff recommends approval of the resolution of intent to reimburse.

Background

The Citizens of Arkansas approved, at the General Election in 2000, Amendment 78 to the Arkansas Constitution. Amendment 78 provides, in part, authorization for cities to enter into short-term bond issues and capital lease agreements that are supported by the general revenues of the city. City Councils are authorized to execute these debt instruments without a public vote. The Arkansas Constitution limits the debt to no more than five (5) years and to no more than five (5%) per cent of the assessed value of taxable property within the city. The City of Fayetteville approved a Debt Management Policy on November 5, 2002 (Resolution 173-02) that established the policy and underlying analysis that must be completed prior to initiating any debt agreements.

On November 7, 2002 the City of Fayetteville advertised and solicited requests for qualifications (RFQ) for Bond Counsel Services and solicited requests for proposals (RFP) for Underwriter Services and Leasing Services. The City of Fayetteville Debt Committee (established by Resolution 173-02) received the responses to the request for qualifications and request for proposals in January, 2003. The Debt Committee selected Gordon Wilbourn of Kutak Rock as Bond Counsel, Dennis Hunt of Stephens, Inc and Crews and Associates as Bond Underwriter(s) and Bank of America (BOA) Leasing for leasing services. Agreements with each of these service providers will be developed and submitted to City Council for consideration and approval.

Discussion

The City has identified numerous geographic areas within the City that appear eligible for tax increment financing (TIF) funding. TIF projects, by their nature, require enhanced analysis prior to the initiation of a bond issue to insure that a revenue stream will exist to amortize any debt issued.

City Council is currently being requested to approve contracts with the University of Arkansas to conduct financial feasibility studies related to each individual TIF and Crews and Associates for bond underwriting services. Approval of the Resolution of Intent to Reimburse will enable the City

to pay for services rendered in developing a TIF project and when TIF bonds are issued, submit invoices to the bond trustee for reimbursement.

Budget Impact

The City's out-of-pocket cost will be accumulated in the General Fund until a TIF bond issue is completed and then the TIF bond issue will reimburse General Fund. The TIF bond issue will be funded from growth in property taxes paid on property located within the TIF boundary.

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY'S INTENT TO BE REIMBURSED FOR ITS EXPENSES IN CREATING ANY AND ALL TIF DISTRICTS FROM THE PROCEEDS OF TIF BONDS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent that the City shall be reimbursed for all of its expenses in creating a TIF district from the proceeds of the TIF bonds issued for that district.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Stephen Davis	FIS Director	Finance & Internal Services
Submitted By	Division	Department

Action Required:

Approval of a resolution of intent to reimburse for City expenses incurred in advance of a TIF bond issue.

This resolution provides the mechanism for the City to be reimbursed for expenses associated with developing a TIF.

$0.00		
Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-1-04 Date

City Attorney — 12-6-04 Date

Chief Administrative Officer — Date

Mayor — 12/6/04 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in Mayor's Office
12/6/04 P/H

Received in City Clerk's Office

Comments:

ENTERED 12/02/04

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director

DATE: December 2, 2004

SUBJECT: Bond Underwriter Services – Highway 71 East Square Redevelopment District

Recommendation

Staff recommends approval of the Bond Underwriter agreement with Crews and Associates for the City of Fayetteville, Arkansas Highway 71East Square Redevelopment District – Series 2004.

Background

On November 7, 2002 the City of Fayetteville advertised and solicited requests for qualifications (RFQ) for Bond Counsel Services and solicited requests for proposals (RFP) for Underwriter Services and Leasing Services. The City of Fayetteville Debt Committee (established by Resolution 173-02) received the responses to the request for qualifications and request for proposals in January, 2003. The Debt Committee selected Gordon Wilbourn of Kutak Rock as Bond Counsel, Dennis Hunt of Stephens, Inc and Crews and Associates as Bond Underwriter(s) and Bank of America (BOA) Leasing for leasing services. Agreements with each of these service providers have now been developed and submitted to City Council for consideration and approval.

This agreement represents the last of the series and is presented at this time because the Highway 71 East Square Redevelopment District was formed earlier this year and is now ready to issue the first series of bonds to fund improvements identified in the project plan.

Discussion

The selection committee met, during March 2003, and selected Crews and Associates as an underwriter for bond issues that the City envisioned over the next few years. Crews and Associates, in the opinion of the selection committee, were selected for their experience in developing financing packages for TIF districts around the country.

Budget Impact

Crews and Associates fees will be paid from bond proceeds. The Highway 71 East Square Redevelopment District bonds will be repaid from millage tax revenue growth on property located within the redevelopment district.

J:\Debt Financing\TIF\East Square_Bond Underwriter Services Council Memo.doc

RESOLUTION NO. _____

A RESOLUTION ACCEPTING CREWS AND ASSOCIATES AS BOND UNDERWRITER FOR ANY TAX INCREMENT FINANCING BONDS ISSUED THROUGH DECEMBER 31, 2005

WHEREAS, after soliciting requests for proposals, the City of Fayetteville Debt Committee selected Crews and Associates in March 2003 as a bond underwriter if said proposed bond was within their expertise; and

WHEREAS, Crews and Associates has substantial state-wide experience in TIF bonds authorized by the recently passed Amendment 78 and state statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the selection of and accepts Crews and Associates as bond underwriter for any tax increment financing bonds issued through December 31, 2005.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Crews&Associates
Member First Security Bancorp

December 6, 2004

Mr. Steve Davis
Finance and Internal Services Director
113 West Mountain Street
Fayetteville, Ar 72701

Re: Fayetteville Mountain Inn TIF Project

Dear Steve,

As per our recent conversation regarding our services as Financial Advisor / Underwriter for the above referenced project, Crews & Associates was retained through the City's RFP process in 2003 to being qualified to act in this capacity for any and all City of Fayetteville financing projects. Having been retained in the same capacity for the three other major TIF projects currently in Arkansas, Rogers, Jonesboro and North Little Rock is a direct result of our experience and abilities to deliver the most effective financing package available.

As we discussed early in the process, and as I confirmed to the Council last week, Crews & Associates is not charging an advisory fee in assisting in implementing this TIF project. Crews & Associates would act as underwriter for the TIF bonds only when we all agree as to the viability and fiscal effectiveness of the project.

If you have any questions, please feel free to call me.

Respectfully submitted,

Robert D. Wright III, Vice President
Crews & Associates, Inc.

CREWS & ASSOCIATES, INC.
2000 Union National Plaza
124 West Capitol Avenue
Little Rock, AR 72201

LOCAL (501)907-2000
TOLL FREE (800)765-2000
FAX (501)907-4000

Member SIPC & NASD

NOT FDIC INSURED • MAY LOSE VALUE • NOT BANK GUARANTEED • NOT A DEPOSIT
NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY

INVESTMENT BANKING FEE PROPOSAL

The City of Fayetteville

Management Fee	**$**	**2.13 / $1000**
Average Takedown	**$**	**4.65 / $1000**
Underwriters' Expenses	**$**	**1.12 / $1000**

TOTAL – UNDERWRITER SPREAD
$ 7.90/ $1000 *Gross Spread*

Expense Breakdown	(Maximum not to be exceeded)
Clearance	**$ 0.050 / $1000**
Computer	**$ 0.000 / $1000**
Travel	**$ 0.000 / $1000**
Syndication	**$ 0.025 / $1000**
Advertising	**$ 0.000 / $1000**
U/W Printing	**$ 0.000 / $1000**
Transaction Fees (MSRB, PSA, etc.)	**$ 0.100 / $1000**
Freight & Communications	**$ 0.000 / $1000**
Closing Expenses	**$ 0.045 / $1000**
Underwriter's Counsel Cost*	**$ 0.900 / $1000**
Other (please specify)	**$ 0.000 / $1000**
_____	$ _____
_____	$ _____
TOTAL	**$ 1.120 / $1000**

***Crews & Associates will work with the selected Bond Counsel on a transaction by transaction basis to determine the level of participation required, if any, by a separate Underwriter's Counsel. As a result, this fee will be negotiated per transaction.**

***This fee proposal assumes an insured, AAA rated financing and is subject to negotiation.**

Crews&Associates
Member First Security Bancorp

ARVEST

In the course of our engagement, Crews & Associates and Arvest will work closely with the with the officials and all members of the financing team to ensure that all aspects of the proposed financing are handled efficiently. Our bankers are prepared to coordinate all aspects of the financing in a manner that accomplishes the goals of the organization under the most efficient terms and conditions. We will initiate this process by listening to your goals and then developing a plan. To facilitate a successful financing, the finance team will:

- **Provide advice on market conditions and timing of sale**
  Since our sales force and our bankers interact with investors and issuers on a daily basis, part of our engagement will include advising members of the financing team on timing issues that could adversely or favorably impact the sale of the bonds. Our recommendations as to a desirable date of sale will be based on various market indicators, including (a) the status of recently sold bond issues, (b) bond issues coming to market (particular attention will be directed toward similar issues), and (c) general conditions of the capital markets.

- **Assist in determining the term and amortization schedule, call provisions, and other factors which are relevant to marketing the bonds. This shall include preparation of maturity schedules and debt service projections, which represent effective marketing structures for the company's bonds**
  Because investor demand can and does change on a daily basis, only an active market participant in both the new and secondary markets can effectively evaluate and recommend the optimal combinations of coupons, call features, discounts, premiums, serial and term bonds that will produce the lowest borrowing cost. As an active market participant in both new issues and secondary market trading, we can effectively evaluate and make recommendations regarding the structure that will optimize investor demand, resulting in the lowest possible borrowing cost.

  In the course of our engagement, we will evaluate all relevant data including the general conditions of the capital markets to examine the feasibility of all factors that could serve to enhance the marketability of bonds. We will utilize our advanced computer hardware and software and our daily feedback from investors to model various alternatives to assist in identifying the structure that provides the greatest cost-benefits.

- **Present and evaluate alternate and / or innovative financing mechanisms**
  While there are several ways to address the refunding characteristics, based on our preliminary analysis and discussions with Bond Counsel, there are some critical IRS tax issues that will need to be determined — particularly with reference to whether this transaction will be viewed as a refunding or an acquisition. These interpretations will have a significant impact on the structure of the refunding escrow and the structure of the bond issue including whether or not all of the bonds can be initially issued as tax-exempt.

- **Work to obtain the best possible bond rating including attendance at any presentation to the rating agencies or insurers.**
  We will evaluate the feasibility of bond insurance and other credit enhancement alternatives for the purpose of determining the option that provides the most efficient financing alternative. Our bankers are experienced in this process and have assisted numerous issuers in navigating this process as well as calculating and understanding the cost benefit of these options.

- **Coordinate the preparation of the Preliminary Official Statement and the Final Official Statement and other related documents and materials with selected bond counsel and school officials.**
  Our bankers take an active role in the coordination of the various legal and marketing documents, including the Preliminary Official Statement and the Official Statement. This coordination between all members of the financing team and the investor community provides assistance in expediting the pricing of the bonds and the closing. This allows us to secure commitments while market conditions are considered advantageous.

Services cont...

- Calculate the cost/benefit of credit enhancement on the issue and to provide advice for the selection of a bond insurance firm should insurance be desirable.
  We would expect to solicit competitive bids regarding the cost of bond insurance including the potential benefit of marketing the bonds with an underlying rating. Part of the process will include the preparation of cost benefit reports as well as the evaluation of certain other restrictive covenants that may be imposed by potential insurance providers.

- Ability to arrange for selection of trustee/paying agent/registrar services for the bond issue if required.

Marketing Plan

With more than 90 salespersons specializing in the distribution of municipal bonds, particularly those of Arkansas municipalities, Crews & Associates has the balanced distribution network to provide the lowest cost of borrowing. Likewise, Arvest Asset Management is an active participant in the fixed income investment market. Since they have experience in purchasing these high quality securities in volume, Arvest has distribution capabilities that offer the issuer competitive prices. We will utilize our network of clients in order to access retail and institutional clients. We can prioritize our marketing efforts in order to respectively serve local, statewide and regional/national investors. It is important for the City to have an underwriter with a balanced distribution of retail and institutional clients. This balance creates a more beneficial marketing approach, especially in times of market volatility.

Retail Distribution

Based on our strong Arkansas-based pool of clientele, we expect to generate strong retail demand. Due to our local presence and established investor relationships, Crews & Associates can maximize retail distribution to investors. Typically, these investors are not as interest-rate sensitive as other investor groups. Consequently, they are often willing to accept lower interest rates. We believe that by targeting this investor group first, the City will enjoy lower interest rates.

Institutional Distribution

Our network and trading relationships with small and medium size institutional investors will benefit us significantly in achieving the lowest possible borrowing cost. Companies like Crews & Associates and Arvest that utilize retail distribution have an established record of building local relationships; a natural extension of this marketing is the group of small to medium size institutional investors that is often missed by firms without a strong retail distribution network. This mid-market distribution strategy, coupled with our retail network, should ultimately achieve the most aggressive cost of borrowing.

In addition to our strong retail, mid-market and large institutional clients, Crews & Associates will capitalize on its affiliate relationship with financial institutions owned by First Security Bancorp. Arvest will also capitalize on its experience as a financial institution to the issuer. Each bank has a strong community presence; thus, we expect to capitalize on its community investment objectives; this will further the ability to obtain aggressive interest rates.

We build our approach to marketing upon a proven strategy of extensive pre-marketing to selected investors; this generates maximum demand and valuable feedback. We will utilize, among other items, this feedback, the status of recently sold bond issues, and the general conditions of the capital markets to revise and implement a suitable strategy. The implementation of the marketing plan is designed to increase investor acceptance and demand, thus lowering the overall borrowing cost to the City.

Experience

Crews & Associates, a wholly owned subsidiary of First Security Bancorp, is an Arkansas-based, full-service investment banking firm founded in 1979. We specialize in fixed-income products that include municipal and corporate bonds, lease financings, government agency bonds, U.S. Treasury bonds, mortgage-backed securities and mutual funds. In the past 12 months we have traded more than $6.0 billion of these types of securities. As shown in the chart below, our organization includes more than 140 professionals.

	Public Finance/Municipal Underwriting	Management	Retail/Institutional Sales	Operations/Administrative
Employees	18	10	95	25

(Some employees overlap into more than one category. Some categories are omitted. Total number of employees 140± of which 5% are minority and 31% are female.)

Our parent company, First Security Bancorp, is a $1.4 billion Arkansas-based bank holding company headquartered in Searcy. Our partnership with First Security Bancorp enhances our company's management team, our access to capital, and our access to the highest technology. This alliance provides Crews & Associates with the resources to be an even more valuable funding source for our clients.

Crews & Associates, Inc. and First Security Bancorp are committed to serving the communities of Arkansas. Through Crews' Little Rock headquarters, the Public Finance Group's primary focus is to provide a funding source for municipal borrowers including cities and counties of all sizes. Since its initial bank charter in 1932, First Security Bancorp now serves the state through more than 36 bank locations throughout Arkansas. The chart below details our organizational structure.

Experience Cont.

The firm's sales and trading personnel work from our Little Rock headquarters; this dedicated team is recognized for the trading, underwriting and selling of fixed-income products. As a strong marketing force, the sales team provides a stable, respected distribution network for retail and institutional markets on a local, regional and national level. This network of professionals utilizes products developed by the Public Finance Group – as well as secondary market support – to meet clients' objectives.

The firm's investor clients include individuals, banks and trust departments, public investment and retirement systems, foundations, insurance companies, investment advisors, and mutual funds. Access to a substantial client base equips the firm to offer clients a variety of financing options. Additionally, these resources help assure that clients benefit from maximum market penetration and aggressive interest rates.

Crews & Associates typically maintains a daily bond inventory between $15 and $30 million, which enables us to provide an efficient liquid market in municipal securities. By creating goodwill with investors in the secondary market, we assist issuers in obtaining favorable borrowing costs when entering the market for new funds.

PUBLIC FINANCE

As evidenced by the financial and human resources devoted to our underwriting activities, the Public Finance Group is a critical component of the company. Initially, Crews relied upon secondary market activity to provide a supply of municipal bonds for distribution to clients in the retail and institutional sector. However, in 1990, Crews & Associates established a Public Finance Group to serve issuers in the development and distribution of new bond issues. The purpose of the Group was to increase the supply of municipal bonds available to the firm for its growing customer base.

The Public Finance Group has successfully grown to include public finance specialists here in our Little Rock, Arkansas headquarters—with additional public finance information offices in Fayetteville, Arkansas; Charleston, West Virginia and Columbia, Maryland. Through various underwriting services, these professionals assist in providing taxable and tax-exempt bonds to the more than 95 Crews & Associates sales professionals and their respective clients.

The Public Finance Group, when working for clients, holds to a simple strategy that centers around these two objectives:

- Provide the most efficient possible structure for each client's needs.
- Continue to serve clients long after their transaction is complete.

The Group serves issuers in a variety of areas:

- water & sewer
- healthcare
- airport
- retirement
- higher education
- government & non-profits
- housing
- correctional facilities
- solid waste/resource recovery
- industrial, commercial & economic development
- lease financings

Experience Cont...

In serving clients' needs, our public finance professionals take advantage of state-of-the-art analytical and research technology and utilize the firm's substantial marketing, distribution and capital resources. Throughout all activities, public finance professionals provide clients with integrity, honesty and professionalism.

THE CREWS ADVANTAGE

We believe that some of the tangible characteristics that distinguish our firm from other respondents to this proposal are:

- Arkansas based investment banking company
- Arkansas based bank holding company
- Business strategy is entirely focused on fixed income products such as municipal bonds
- One of the largest centralized fixed income sales groups in Arkansas
- Significant growth in public finance during a period of time when many firms are downsizing in this area
- **COMMITMENT TO THE STATE OF ARKANSAS**

CAPITAL POSITION *(in accordance with SEC standards)*

The City can take comfort in our firm's strong capital position. As of September 30, 2002, the Company had a net capital position of more than $8,900,000. As a result, we have the capacity to underwrite bond issues of over $100 million in size. The recent acquisition of Crews by First Security Bancorp gives us the even stronger capital resource of a $1.4 billion Arkansas bank holding group with a net capital of more than $150 million. We are willing to commit this capital as necessary in order to underwrite unsold balances of bonds.

RECENT CLIENTS

$2,850,000 Washington County Jail	**$42,985,000** University of Arkansas	**$59,415,000** State of Arkansas Community Water System
$4,790,000 Grand Prairie Water	**$890,000** City of Arkadelphia Water & Sewer	

** Please see Appendix A for further information concerning these issuances.*

Crews&Associates
Member First Security Bancorp

ARVEST

Arvest Asset Management is a financial subsidiary of Arvest Bank Group, owned by the Walton family of Bentonville, AR. ARVEST Bank Group has over $2.5 billion in client deposits in Arkansas and over 50,000 household relationships in Arkansas. ARVEST Asset Management consists of a NASD licensed broker / dealer, ARVEST Trust Company and ARVEST Insurance, Inc.

ARVEST Asset Management's broker / dealer arm has been consulting ARVEST Bank clients with regard to alternative investments to bank products since 1985. AAM's broker / dealer focuses almost exclusively on individual investors in Washinton and Benton Counties with over 25 registered representatives located in area ARVEST banks. AAM is uniquely positioned to deliver its retails clients with investment products and services in a bank environment. AAM has over 50,000 retail investment accounts, which also include accounts from its banks in Oklahoma and Missouri.

AAM is the only investment firm represented in Washington or Benton county with its fixed income trading desk located in northwest Arkansas. This allows AAM's trading desk an excellent opportunity to know the clients purchasing the securities. AAM has more local expertise and client base to successfully distribute new issue municipal securities to a broader segment of the local market than any other firm.

ARVEST Trust is an active participant in investing money for local clients in the Arkansas municipal bond market. We believe AAM's local market share and marketing expertise to individual investors, combined with Crews & Associates, Inc. excellent underwriting track record and ability to service institutional accounts, gives this group the unique ability to successfully market any Arkansas municipal bond offering more quickly and efficiently than any other organization.

Firm's Securities Violations

Crews & Associates, Inc. nor any professionals employed by Crews & Associates has been subject to any formal or informal regulatory action by a Federal or State agency.

Firm's Regulatory Violations

Crews & Associates, Inc. is not involved in any current or pending litigation regarding any aspect of a municipal bond issue in which we have participated. Crews does not have any history of such investigations or litigation within the past three years, nor any since its inception. Further, we have no conflicts that would impede our ability to begin immediately on the proposed bond issue.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Stephen Davis	FIS Director	Finance & Internal Services
Submitted By	Division	Department

Action Required:

Approval of a resolution accepting Crews and Associates as bond underwriter for Highway 71 East Square Redevelopment District Bonds- Series 2004.

Crews and Associates is compensated from bond proceeds as each TIF bond. TIF bonds are paid from increases in property taxes within the TIF boundary.

$0.00		
Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-2-04 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

City Attorney — 12-2-04 Date

Chief Administrative Officer — 12-2-04 Date

Mayor — 12/07/04 Date

Received in Mayor's Office
12/6/04 P.H.

Received in City Clerk's Office

Comments:

ENTERED
12-3-04
AW

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council Members

FROM: Marvin Hilton, Cable Administrator

SUBJECT: Public Access Television Contract

DATE: December 3, 2004

At their November 30, 2004 meeting, the Telecommunications Board voted unanimously 4 to 0 to recommend to the City Council that the attached contract for Public Access Television services, with C.A.T., be accepted by the City. The contract includes a funding level of $7,750 per month, or a total of $93,000 for the 12 month period beginning January 1, 2005 and ending December 31, 2005.

This contract has also been approved by the Community Access Television Board.

C.A.T. Contract attached

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. TO OPERATE THE PUBLIC ACCESS CABLE CHANNEL THROUGHOUT 2005 FOR $93,000.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the contract attached as Exhibit A with Community Access Television, Inc. to operate the public access cable channel throughout 2005 for $93,000.00.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CONTRACT BETWEEN CITY OF FAYETTEVILLE, ARKANSAS
AND
COMMUNITY ACCESS TELEVISION (CAT)
A 501-C-3 NONPROFIT ORGANIZATION

AGREEMENT

This Agreement is made this _____day of _____, 2004, by and between the City of Fayetteville, a municipal corporation ("City"), and Community Access Television, a nonprofit corporation ("CAT"), who agrees as follows:

PURPOSE AND INTENT

1. The City desires to provide support for the use of cable television public, educational, and government ("PEG") access channels provided pursuant to federal law.
2. The purpose of the public access television is to provide training for the public for public access television productions and to ensure "first-come, first-served, non-discriminatory" programming, in accordance with the First Amendment, as a limited public forum for citizens.
3. The City is currently in negotiation with Cox Cable Company for renewal of a franchise to operate cable facilities within the City. This contract for the public access television station is contingent upon the City retaining a franchise contract with a cable operator, such as it is at present.
4. The franchise agreement with Cox Cable Company provides that certain channel capacity be provided for PEG access for non-commercial programming.
5. The City's Telecommunications Board Ordinance #4504 provides for a standing body to advise the City Council on telecommunications issues and to coordinate and oversee use of the public rights of way designated for public, educational, and governmental use on any telecommunication system serving the City of Fayetteville.
6. The City has determined that it will provide support for PEG access and that it will provide physical space and equipment located at the PEG Center, 101 W. Rock Street, Fayetteville.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

SECTION 1. SCOPE OF SERVICES. In exchange for the funding provided by the City to CAT, pursuant to this Agreement, CAT shall provide the following services and report progress in each area to the Telecommunications Board on a quarterly basis:

A. OPERATE PUBLIC ACCESS CABLE CHANNEL. Operate the public access cable channel for non-commercial, public/community access programming purposes in a manner that is consistent with the principals set forth in this contract and the Telecommunications Board Ordinance. CAT will:

- Devise and monitor equipment check-in, check-out procedures and provide reports quantifying the amount of usage
- Schedule and monitor editing facilities and studio, maintaining scheduling records, and coverage documents, should any request for review be required
- Operate the public access channel for a minimum of 40 hours per week, Monday through Friday
- Have at least one staff member present during the required customer service hours to assist citizens with their productions.

B. PROVIDE EQUAL ACCESS. CAT will honor the First Amendment rights of members of the community who wish to use the public access station. CAT will provide access to the use of the equipment, facilities, channel, and services provided hereunder to all members of the community for non-commercial programming purposes, whether individuals, groups, or organizations, on a first-come, first-served non-discriminatory basis, pursuant to operating rules promulgated by CAT which are in compliance with the City's operating rules for the PEG Center (Addendum A).

C. OPERATING POLICIES AND PROCEDURES. CAT policies for the use and operation of the public access channel shall be in compliance with the City's operating rules of the PEG Center. CAT will file such policies with the Telecommunications Board and the City, and any changes in CAT policies will be posted on the web site and presented to the Telecommunications Board and the City as an informational item 15 days prior to implementation. CAT will:

- Devise and maintain administrative policies

- All communication between the City and the CAT with regard to contractual matters will be directed through the Cable Administrator, or any other such representative as may be appointed by the City, and the CAT's duly appointed representative. In the event of a disagreement over the administration of this agreement, either party may appeal to the Telecommunications Board who shall make recommendations to the Mayor or City Council, as may be required.

D. DEVELOP FUNDING – CAT will develop a plan for generating revenue at a minimum of 25% of the amount provided by the City, in order to subsidize additional growth.

- CAT will develop a general underwriting policy
- CAT will hold a minimum of two fundraising events per year
- CAT may form fundraising partnerships with other 501C3 non-profit organizations that provide services in its cablecast area. CAT and its fundraising partners combined shall not cablecast more than 4 fundraising events per year
- CAT will seek and devise a timely procedure for solicitation and collection of donations and other contributions to be recorded on a monthly budget process. These procedures could include, but not be limited to, telethons, web-based donation collections, etc.

E. COMPLIANCE WITH LAWS RULES, AND REGULATIONS. CAT will administer the public access channel and facilities in compliance with the Telecommunications Board Ordinance, with applicable laws, rules, regulations, and with the franchise agreement between the City and Cox Cable Company. All business and information maintained by CAT or the CAT Board of Directors is subject to the terms of the Arkansas Freedom of Information Act (FOIA).

F. TRAINING AND PROMOTION. CAT will train city and area residents in the techniques of video production, and provide technical advice in the execution of productions. CAT will:

- Create and provide training curriculum to emphasize video proficiency and production quality in public access programming
- Certify a minimum of 20 new producers per year
- Include public service requirement as part of the certification process that results in at least one cablecast quality program per trainee
- Promote the use of the Public Access channel to the extent that 300 new locally produced programs are cable casted per year. Only the following categories of program sources will be included:

  - Programs made by Independent CAT Producers whether or not they use CAT facilities
  - Programs made by local citizens who are not Independent CAT Producers
  - Programs produced by CAT for the purpose of allowing local citizens to express themselves. Such programs shall be open to participation by all citizens on an equal basis
  - Programs produced by independent producers using CAT contract production services

- Encourage the use of the digital video editing capabilities and stay abreast of emerging technologies
- Create a monthly schedule of relevant workshops to publish on the public access television channel's bulletin board and its web site.

G. PLAYBACK/ CABLECASTING. CAT will provide for playback/cablecasting of programs on the public access channel. CAT shall cablecast a minimum of 40 hours of local original, replayed and imported programming per week. This excludes the community message board. CAT will:

- Develop a policy and method for the scheduling of public access programs and cablecast programs on the public access channel
- Maintain accurate cablecast logs and report number of programs per month in each of the categories specified by the operating and programming policy
- Maintain a library of all produced shows to be available for review and use at the PEG Center
- A copy of all live and/or recorded programs are required to be held for 4 days past the original date of play if said programs are not submitted to the videotape library
- CAT shall require access producers to sign an agreement warranting that the program they are submitting does not contain:
  - i. any violation of any state or federal law relating to obscenity
  - ii. any material that is libelous, slanderous, or other defamation of character, or an unlawful invasion of privacy
  - iii. any advertising or material which promotes any commercial product or service
  - iv. any use of material which violates copyright law; or any material contrary to local, state or federal laws, regulations, procedures and policy

H. INFORMATION. CAT shall submit quarterly and annual reports, as defined by the Telecommunications Board, on the operations of the public access channel and other such special reports as listed below to the Telecommunications Board and the City.

- Reports of stolen or damaged equipment within one working day of learning of each occurrence
- Requests for changes in any procedures or rules pertaining to protection or preservation of City owned equipment and facilities
- All corporate documents, including but not limited to the CAT's by-laws, articles of incorporation, certification of compliance with affirmative action plan and EEO standards, and a list of Board members
- At any reasonable time and as often as the Telecommunications Board or the City may deem necessary, the CAT shall make available to them, or any of its authorized representatives, all of CAT's records related to all matters covered by this Agreement and shall permit the

Telecommunications Board or the City to audit, examine, make excerpts and copies of such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to matters covered by this Contract

- During the term of this Contract, the CAT shall cause to be delivered to the Telecommunications Board and the City copies of all notices of meetings of its Board of Directors, setting forth the time and place thereof. Such notice shall be delivered in a timely manner to give adequate notice and shall also include an agenda
- Minutes of all meetings, if taken, and materials distributed in meetings of the CAT's Board of Directors, or committees thereof, shall be submitted to the Telecommunications Board and the City
- At such times and in such form as the Telecommunications Board or the City may require, the CAT shall furnish such statements, records, reports, data and information deemed pertinent to matters covered by this Agreement.

I. PROMOTION. CAT will actively promote the use and benefit of the public access television station and facilities to cable subscribers, the public, and Cox Cable Company.

- Maintain web site for publication of all reports and scheduled events
- Create a quarterly newsletter distributed via mail and direct delivery to members, producers and associates.
- Provide promotional spots/bulletin boards on the station that promote the use and benefits of the public access television station and facilities to cable subscribers and the general public.

SECTION 2. PERFORMANCE. CAT will be evaluated through quarterly evaluations, and an annual performance review.

-

- Quarterly evaluations will be performed in accordance with the criteria set by the Telecommunications Board, consistent with the process for oversight as specified in the Telecommunications Ordinance

- A Performance Review shall be conducted by CAT and presented to the October meeting of the Telecommunications Board in order to ensure timely delivery of information to the City Council during annual budget review

    i. This review shall include an opportunity for CAT public access users and cable subscribers to provide input. In turn, the Telecommunications Board will evaluate the CAT Performance Review, basing the evaluation on the terms of this contract and citizen input. The Telecommunications Board will present its

performance assessment and recommendations to the City Council in November and begin the process of negotiation for the following contractual year that begins January 1.

ii. All Telecommunication Board findings and recommendations regarding the Performance Review will be provided as feedback to CAT. In the event that the Board recommendation is for non-renewal of the CAT contract, an exit interview will be conducted to discuss all relevant facts.

SECTION 3. USE OF CITY PROPERTY/ OWNERSHIP. CAT recognizes that it is performing services for the City on City-owned property and that while on such property, CAT shall not engage in any activity that is not directly related to the services provided pursuant to this Agreement. Ownership title to all capital acquisition, supplies, material or any other property purchased with funds received under this Contract, is vested with the City, and possession of such property shall, upon termination of the Contract, revert to the City unless otherwise provided for by the City, in writing. Any equipment secured through fund-raising efforts to benefit the public access television station shall remain the property of the city's PEG Access Center. Ownership of the library of programs collected during the performance of this contract shall, upon termination of this contract, revert to the city.

- All changes to the facility and equipment array shall be approved by the City before being undertaken
- The City shall make at least two telephone lines available for CAT's business use CAT shall be responsible for reimbursing the City, on a quarterly basis, for this expense at a rate of $20 per line per month
- CAT shall be responsible for its own long distance telephone calls
- CAT shall be responsible for paying the costs of their listing in the telephone directory
- The City shall furnish and maintain the hardware for up to three computers for the office use of CAT. This is in addition to those computers that are part of the video systems and the public internet work station. CAT will be solely responsible for the software and operation of the three office computers.
- The City shall provide access to the world wide web for the CAT
- There shall be no charge to citizens of Fayetteville for the use of cable casting time on the public access channel, nor for the use of the facilities or equipment. However, CAT's fees and charges may apply for such services as, but not limited to, instructions on video production and internet use, video tapes, video tape duplication, annual producer's fee and contracts for video productions.

MAINTENANCE

- The City shall be responsible for the payment of the Access Center utilities, routine building and grounds maintenance and maintenance of the structure
- The CAT may use the City's current copier at the Access Center for a charge of $.039 per copy. Additionally, the CAT may use the copier

located at the City Administration Building for the standard charge as is allocated per copy to the City Departments and Divisions. If the City upgrades the copier located in the Access Center, CAT shall pay an adjusted charge per copy, up to, but not to exceed the standard City rate charged to City Departments and Divisions as determined annually.

- Copy machine maintenance costs will be paid by the City.

VIDEO EQUIPMENT:

- Cat Staff and Producers will have direct input in the decisions regarding the acquisition, maintenance and repair of equipment used primarily by CAT Staff and Producers. The City will accommodate the equipment needs of the CAT Staff and Producers to the extent that considerations of budget, compatibility and integration into the system will allow.
- The City shall repair and maintain the video equipment except as otherwise noted. Cat shall make minor, routine repairs to equipment used for public access productions which shall be mutually agreed upon by the City and CAT.
- The City shall operate a written system for equipment and facility repairs. All repair requests will be recorded and forwarded to the Cable Administrator, or his designee, who will assign the repairs to be done by an appropriate staff member or to other sources as defined in the PEG Center Standard Operational Procedure. The written system will be designed to keep all PEG Center Personnel informed of the status of repairs. A similar system will be used to conduct preventative maintenance in accordance to hours of usage of cablecast decks, field cameras and edit system decks.
- CAT shall make minor repairs to equipment used for public access productions such as repairing microphones, cables, cleaning recording heads, and camera lenses
- Certain equipment, to be designated by the City, shall not be available for public access checkout. The reserved equipment shall be used only for government productions, CAT's contract productions, and CAT's promotional programs. Use of the reserved equipment will be only by CAT Staff and City Staff certified by a procedure established by the City.
- Use of the PEG Center video equipment and facilities will be coordinated by the City using a reservation system readily available at all times. This in no way relieves the CAT of the responsibility of making sure that all of the City's equipment used for public access purposes is checked out and returned in good working order.
- CAT will notify the City immediately of any problems with the equipment
- All video production equipment owned by the City and used for public, educational and/or government access productions shall be covered under the City's insurance policy.

SECTION 4. CONTRACT PERIOD. The contract period will be from January 1, 2005 until December 31, 2005. Either party may cancel this contract at any time with a thirty (30) day written notice.

A Request For Proposals will be issued by the City during 2005 in order for a new contract to be written and approved by the Telecommunications Board. The Telecommunications Board shall present the new contract and provider to the City Council for final approval before January 1, 2006.

SECTION 5. FUNDING. The City hereby agrees to pay CAT the monthly sum of $7,750 for services performed under the terms of this contract. Each monthly payment will be remitted on or before the 15th day of each month, beginning January 15, 2005. The Contractor agrees to provide the City with a monthly financial report, based on a modified accrual or cash basis method, summarizing activity during the preceding 30 day period. Said report shall include income and balance sheet statements. Contractor shall have an independent certified public accountant complete an official review of its financial records annually. This report shall be submitted to the City by the last day of the third month after the end of Contractor's fiscal year.

SECTION 6. LEGAL AUTHORITY. CAT assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of CAT have been fully authorized by CAT to execute this Agreement. That such authority is evidenced pursuant to a proper, appropriate and official motion and resolution, which was passed and approved specifically to enter into this Agreement and shall legally bind CAT to all the terms, performances, and provisions here set forth. A copy of such resolution shall be provided upon execution of this Agreement. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal authority of CAT or the person signing the Agreement. The City shall not be obligated to pay CAT for any performance of the provisions of this Agreement after the City has suspended or terminated this Agreement as provided in this Section.

SECTION 7. PERSONNEL. CAT shall adequately staff the public access operation to meet the services and duties outlined in this agreement. Staff for public, educational, and government channels will be expected to work together in a cooperative manner with all groups using the facility. Personnel policies shall be established by CAT and shall be available for examination by the City.

Upon termination of an employee by the City Cable Administrator, and in the event that the CAT's manager wishes to hire the employee over the objections of the Cable Administrator, an appeal of the action may be brought by the Cable Administrator to the CAT's Board of Directors. Similarly, upon termination of an employee by the CAT, and in the event that the Cable Administrator wishes to hire the employee over the objections of the CAT's manager, an appeal of the action may be brought by the CAT's manager to the Telecommunications Board.

SECTION 8. EQUAL OPPORTUNITY. CAT shall comply with all applicable equal opportunity, affirmative action, and ADA laws or regulations, including those of the City of Fayetteville.

SECTION 9. INSURANCE. CAT shall obtain and keep in force during the term of this agreement a policy of public liability and property damage insurance. The coverage, at a minimum, shall be in the following amounts:

General Liability	
a. General Aggregate	$1,000,000
b. Products/Completed Oper. Aggr.	$1,000,000
c. Each Occurrence	$100,000
d. Fire Damage (any one fire)	$50,000
e. Medical Expense (any one person)	$5,000

Worker's Compensation for all employees as required by Arkansas Statute.

Bonding: CAT shall obtain a fidelity bond covering all persons handling funds received or disbursed and/or signing or co-signing checks to disburse funds under this agreement, within 10 days of the contract execution. The fidelity bond shall be in an amount equal to 10% of the city grant award or $5,000, whichever is less. CAT shall furnish the city proof of an adequate fidelity bond prior to the first payment of funds under this agreement.

SECTION 10. POLITICAL/SECTARIAN ACTIVITY. CAT management shall not initiate or sponsor political or religious programming. The staff shall work on a content neutral basis and shall not determine programming content except for programs produced for the purpose of promoting the use of the channel. Staff produced programs, such as short-takes, long takes and contract productions shall be open to participation by all citizens on a first-come, first-served, non-discriminatory basis. Though, the facility can be used for legitimate first amendment purposes, no portion of the funds received by CAT shall be used to directly produce any programs nor participate in any CAT-sponsored activities that establish any religion or prohibit the free exercise thereof.

SECTION 11. PUBLICITY. In any news release, sign, brochure, or other medium disseminating information prepared or distributed by or for CAT, mention shall be made of the City of Fayetteville having made the project possible, i.e. "'Community Access Television' is a project partially funded by the City of Fayetteville."

SECTION 12. HOLD HARMLESS. It is expressed understood and agreed by both parties that the City is contracting with CAT as an independent contractor and that as such, CAT shall save and hold the City, its officers, agents and employees harmless from all liability of any nature of any kind, including costs and expenses for, or on account of, any claims, audit exceptions, demands, suits or damages of any character whatsoever resulting from injuries or damages sustained by persons or property, resulting in whole or

in part from the performance or omission of any employee, agent or representative of CAT. This Agreement shall not be construed in any manner or form as a waiver of that Tort Immunity as set out under Arkansas Law.

SECTION 13. CONFLICT OF INTEREST. The CAT covenants that neither it nor any member of its Board of Directors currently has any interest or shall acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The CAT further covenants that in the performance of this Agreement no person having such interest shall be employed or appointed as a member of its Board of Directors.

The CAT further covenants that no member of its Board of Directors or its staff or employees shall possess any interest in or use their position for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves, or others particularly, those with which they have family, business, or other ties.

No officer, member, or employee of the City and no member of its governing body who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Agreement, shall participate in any decision relating to the Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he has a personal financial direct or indirect interest; or have any personal financial interest, direct or indirect, in this Agreement or the proceeds thereof.

CONTRACT ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties hereto, and any prior agreement, whether written or oral, shall have no force or effect. Any subsequent agreements will have no effect unless properly executed in writing and recorded as an addendum to this Agreement.

SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or word will be deemed as a separate, distinct and independent provision, and such holding will not effect the validity of the remaining provisions of this agreement.

COMMUNITY ACCESS TELEVISION

By:_____

Title:_____

ATTEST:

By:_____

Title:_____

CITY OF FAYETTEVILLE, ARKANSAS

By:_____
Dan Coody, Mayor

ATTEST:

By:_____
Sondra Smith, City Clerk

ADDENDUM A
CAT CONTRACT
CITY'S PEG CENTER RULES

1. The use of alcohol, tobacco products and illegal drugs is strictly prohibited in the PEG Center.

2. Contractor's and City's employees shall not park in the spaces in front of the Access Center.

3. Food and drink shall not be taken into the production areas which includes all editing bays, the studio control and cable casting areas and the Multi-Media Editing and Internet Access room.

4. PEG Center users shall not leave items to be stored in the PEG Center without permission from the Public Access Manager or the Cable Administrator. In the event that there is a disagreement about what can be stored in the PEG Center, the city shall make the final decision.

5. PEG Center users shall not leave unattended items such as coats, hats, cups, props, dishes, papers, books, magazines, food, drinks and other items in inappropriate places. Each user shall leave the break room and other rooms in the PEG Center in a reasonable state of order and neatness.

6. All equipment use shall be entered into the appropriate reservation book before being used.

7. If a producer is 20 minutes late or more, without notification, for an equipment reservation, the equipment may be reserved by another producer.

8. Public Access Contractor and City shall each bear one-half of the costs of supplies used by everyone in the facility's break room.

9. The staffs for the public access and government channels will be working closely together at the PEG Center. Members of both staffs will be expected to work in a cooperative manner.

10. All persons shall behave in a respectful, courteous and orderly manner while in the PEG Center.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Marvin Hilton	Cable Administration	General Government
Submitted By	Division	Department

Action Required:

Passage of a resolution accepting a contract for public access television services from January 1, 2005 until December 31, 2005.

$93,000.00	$ 93,000.00	Services and Charges
Cost of this request	Category/Project Budget (2005)	Program Category / Project Name
1010-6600-5713-00	$ -	Miscellaneous
Account Number	Funds Used to Date	Program / Project Category Name
	$ 93,000.00	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item: yes

Budget Adjustment Attached:

Department Director — 12-3-04 Date

Previous Ordinance or Resolution # No. 08-04

Original Contract Date:

Original Contract Number:

City Attorney — 12-6-04 Date

Received in City Clerk's Office

Mayor — Date

Received in Mayor's Office 12/6/04 P.M.

Comments:

ENTERED 12-6-04 T

City Council Meeting of December 21, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief CB

Date: December 1, 2004

Subject: Resolution approving the purchase of one E-One Fire Pumper through LEECO Fire Equipment.

RECOMMENDATION

The Fire Department recommends approval of a resolution, which provides for the purchase of a new Fire Apparatus. This apparatus has been budgeted in the 2005 Capital Improvements Program.

BACKGROUND

In 2003, the Fire Department requested and received Council approval for the purchase of three fire pumpers and one ladder unit from E-One Fire Apparatus, through LEECO Fire Equipment. Inc. At that time, the Department also requested permission to enter into a long-term bid waver for future purchase of fire apparatus, in an effort to establish consistency in the current fleet. As part of this program, the Fire Department has planned for the replacement of one fire apparatus each year, through the annual Capital Improvements Budget, which is funded through the sale tax capital fund.

DISCUSSION

The Fire Department is requesting City Council approval to purchase the apparatus for Fire Station 3, located at the Tyson facility at the intersection of Huntsville and Happy Hollow Roads, in an effort to lock-in the 2005 purchase and secure 2004 pricing. The purchase of this piece of equipment will assist the Fire Department in its attempts to prepare for the completion of this facility while remaining fiscally responsible. By ordering the apparatus now the City will realize a significant cost savings on a piece of equipment that will need to be ordered no later than mid year 2005. Keep in mind that the City is not responsible for paying for this piece of equipment until the apparatus is delivered.

BUDGET IMPACT

The estimated cost of this piece of equipment, as budgeted in the 2005 Capital Improvements program is $395,000; however, the 2004 price of this apparatus will be $371,985. By contracting to purchase this apparatus on or before December 24, 2004 the City will save $23,015 on the overall purchase price. The funds saved through this endeavor can then be utilized for other projects in the 2005 CIP program.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) EMERGENCY ONE, INC. (E-ONE) REPLACEMENT PUMPER APPARATUS FROM LEECO, INC. IN THE AMOUNT OF $371,985.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $278,985.00.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) Emergency One, Inc. (E-ONE) replacement pumper apparatus from Leeco, Inc. in the amount of $371,985.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $278,985.00.

PASSED and **APPROVED** this 21st day of December 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director

DATE: December 6, 2004

Subject: Fire Apparatus – Fire Station 3

Recommendation
Staff recommends entering into the purchase agreement with LEECO for a fire apparatus for the proposed Fire Station 3. The fire apparatus is part of the overall Fire Station#3/#5 Project that is proposed to be funded with Amendment 78 bond proceeds. The City will fund the purchase form existing resources and reimburse with Bond proceeds in 2005.

A budget adjustment is requested to recognize the purchase.

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements	Date Requested	Adjustment Number
2004	Division:	12/21/2004	
	Program:		

Project or Item Requested:

$278,985 is requested in the Vehicles & Equipment account of the Fire Apparatus Purchase Program capital project.

Project or Item Deleted:

None. Use of Fund Balance is proposed.

Justification of this Increase:

Funding is needed to purchase one E-One replacement pumper.

Justification of this Decrease:

Sufficient funding remains to comply with City policies.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	4470	9470	5802	00	278,985	03019	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	278,985		

Approval Signatures

Requested By	Date
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	12-7-4 Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Date of Approval	Initial	Date
Posted to General Ledger	Initial	Date
Posted to Project Accounting	Initial	Date
Entered in Category Log	Initial	Date

ORDINANCE NO. 4479

AN ORDINANCE WAIVING THE REQUIREMENTS OF FURTHER COMPETITIVE BIDDING TO ALLOW THE CITY OF FAYETTEVILLE TO ENTER INTO A FIFTEEN (15) YEAR PURCHASING AGREEMENT WITH EMERGENCY ONE FIRE APPARATUS, INC. AND LEECO, INC.

WHEREAS, acquisition of fire apparatus from a single-source vendor will result in a standardized fleet, and;

WHEREAS, this will allow for standardized training for Fire Department personnel, as well as more efficient and effective equipment maintenance and warranty work, and;

WHEREAS, such standardization will result in both increased operating economies and a higher level of fire protection for the citizens of Fayetteville, and;

WHEREAS, the City Council finds that such circumstances constitute an exceptional situation where further competitive bidding is not feasible or practical.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby waives the requirements of further competitive bidding to allow the City of Fayetteville to enter into a fifteen (15) year purchasing agreement with Emergency One Fire Apparatus, Inc. and Leeco, Inc. for the acquisition of fire apparatus.

PASSED and **APPROVED** this 15th day of April, 2003.

ATTEST:

By: _____
SONDRA SMITH, City Clerk

APPROVED:

By: _____
DAN COODY, Mayor

LEECO, Inc.

Fire Equipment Sales
P.O. BOX 210
HIGHWAY 124 EAST
DAMASCUS, AR 72039

America's E-ONE Fire Truck

800-233-5053
Office 501-335-7111
Fax 501-335-7458

December 2, 2004

CITY OF FAYETTEVILLE, ARKANSAS
113 West Mountain
Fayetteville, Arkansas 72701

RE: Fire Department Pumper Purchase Contract

Greetings:

Please find attached a Contract Purchase Agreement for the purchase of a new fire pumper for the City of Fayetteville, Arkansas Fire Department, at a complete and delivered purchase price of: $371,895.00.

Also attached is a detailed LEECO, INC.- E-ONE proposal that completely meets the Fire Department's requirements and specifications.

Thank you for the opportunity to provide you with the above information, and we look forward to assisting you in filling your Fire Department's needs.

If I can be of any further assistance to you in any way, please do not hesitate to call me at your convenience.

Sincerely,

Mrs. Carolyn S. Lee, President
LEECO, INC. – E-ONE Dealer

E-ONE

CONTRACT PURCHASE AGREEMENT

This agreement is made this ____ day of December, 2004, by and between LEECO, INC. Fire Equipment, 1408 Highway 124 East, P. O. Box 210, Damascus, Arkansas 72039 (hereinafter "Company") and the City of Fayetteville, 113 West Mountain, Fayetteville, Arkansas 72701 (hereinafter "Buyer").

1. **Purchase.** The Company agrees to sell, and the Buyer agrees to purchase, ONE (1) Emergency One, Inc. (E-ONE) Custom Pumper and equipment as described in the Company's Proposal and the Specifications attached hereto and hereby incorporated by reference (the "Apparatus"), all in accordance with the terms and conditions of this Agreement. Any changes to the Specifications or pricing attached hereto will be executed by the Company only if documented and signed by both parties.

2. **Delivery**. The Apparatus shall be delivered to the Company's staging area, in approximately 240 calendar days after execution of this Agreement by Buyer and the receipt and execution of same by the Company at its offices in Damascus, Arkansas. It is agreed that such delivery is subject to delays caused by strikes, inability to obtain materials, and other causes beyond the control of the manufacturer (E-ONE).

3. **Price.** Buyer agrees to pay a Purchase Price of Three Hundred Seventy One Thousand, Nine-Hundred Eighty Five Dollars and No Cents ($371,985.00). This Purchase Price is exclusive of all Federal, State or local taxes of any nature after completion of the necessary paperwork, and will remain firm only until December 27, 2004. Buyer agrees that the terms of payment shall be cash/check due upon delivery and acceptance at the City of Fayetteville, Arkansas.

4. **Title.** The ownership and risk of loss shall pass from Company to Buyer upon delivery and acceptance of the apparatus. The Buyer further agrees that the Apparatus will not be placed in active service until the full purchase price has been paid to the Company. Title will be issued to the Buyer after payment has been made and the appropriate paperwork is returned to manufacturer (E-ONE) for issuance of proper MSO.

5. **Warranty.** The Company warrants each new item of Apparatus manufactured by it against defects in material and workmanship, for a period of one year from the date of delivery. Certain additional extended warranties are applicable to certain components of the Apparatus as described in the Statements of Warranty previously provided to the Buyer. This warranty is in favor of the original user/purchaser, in accordance with the Apparatus Builder (E-ONE) preprinted Statements of Warranty which are attached to the Agreement or have otherwise been delivered to Buyer. With respect to any item of Apparatus that are not manufactured by the Apparatus Builder (E-ONE), such items shall not be warranted by the Company but shall be subject to the warranty provided by the manufacturer.

6. **Entire Agreement.** This Agreement, including its attachments and exhibits, constitutes the entire understanding between the parties relating to the subject matter contained herein. No agent or representative of the Company has authority to make any representations, statements, warranties or agreements not herein expressed and all modifications or amendments of this agreement, including its attachments and exhibits, must be in writing signed by an authorized representative of each of the parties.

IN WITNESS WHEREOF, The Company and the Buyer have caused this Agreement to be executed by their duly authorized representatives as of the date set forth by each.

CITY OF FAYETTEVILLE, ARKANSAS

By:_____

Title:_____

Date:_____

LEECO, INC. Fire Equipment Sales

By: Mrs. Gisela D. Lee

Title: President

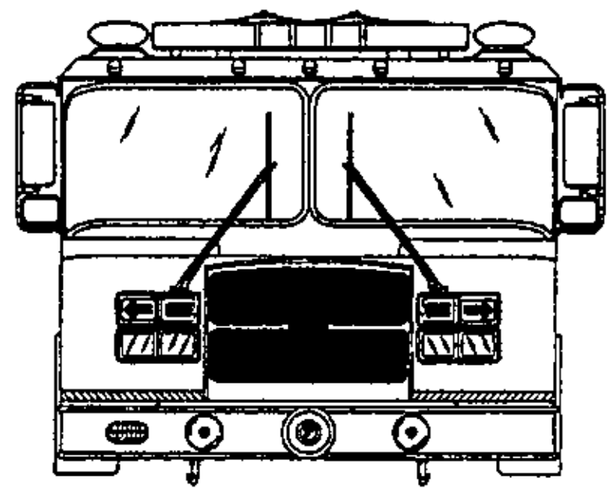
Date: 12-02-04

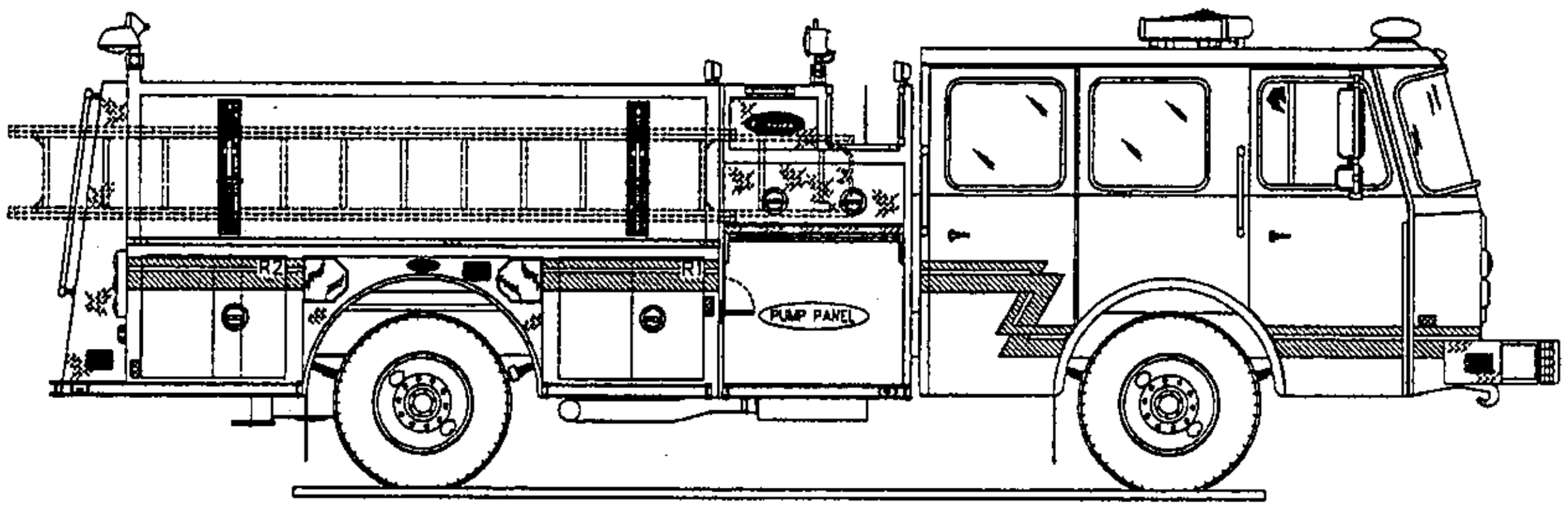
FAYETTEVILLE
FAYETTEVILLE, AR

BID.04274

C034 CUSTOM PUMPER
H204 CYCLONE II 4X2 CHASSIS

This print is the property of Emergency One, Inc. and is loaned to you subject to return on demand, unless otherwise agreed to in writing by Emergency One, Inc. Its contents are confidential and must not be copied or submitted to third parties for use or examination.





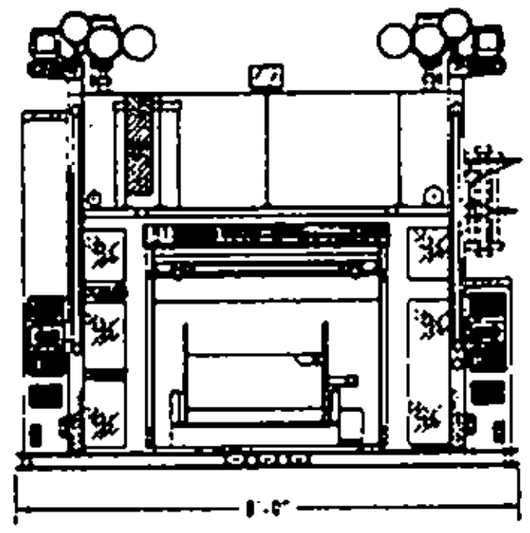
FAYETTEVILLE
FAYETTEVILLE, AR
BID.04274
C034 CUSTOM PUMPER
H204 CYCLONE II 4X2 CHASSIS

1500 GPM HALE QMAX PUMP 500 GALLON WATER TANK	HOSE LOAD 155 CUBIC FEET

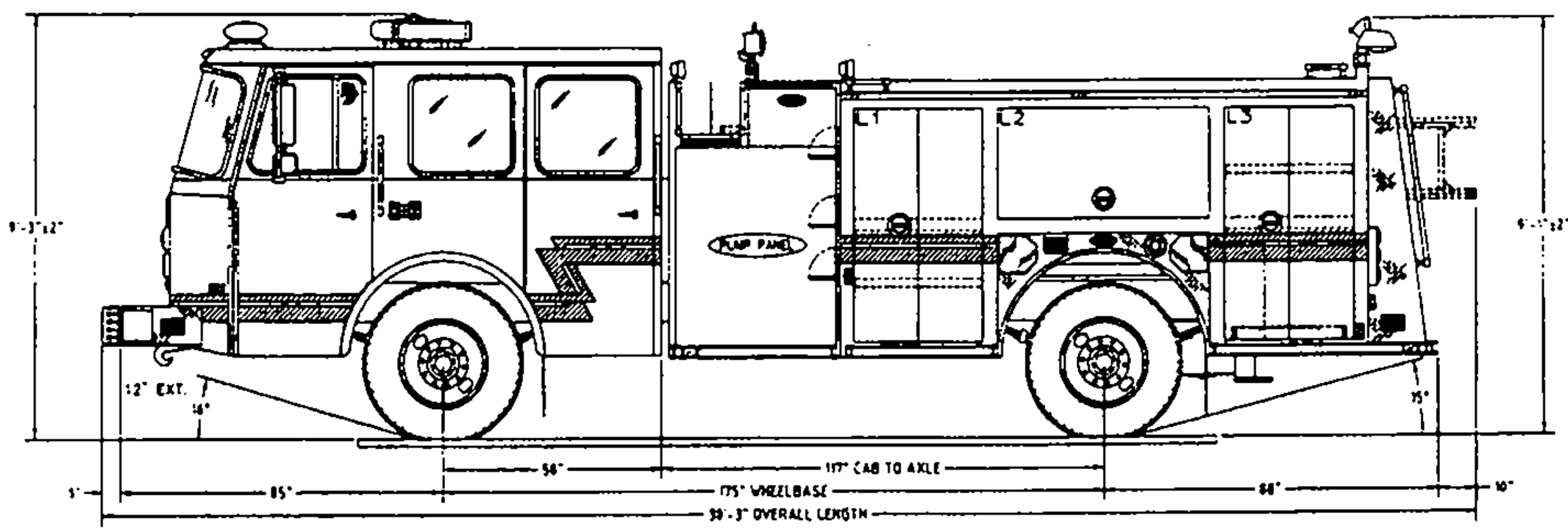
COMPT.	OPENING		INTERIOR DIMENSION		
L1	34W	60H	34W	28H	24D
R1	34W	28H	34W	28H	24D
L2	56W	28H	56W	28H	10D
R2	34W	28H	34W	28H	24D
L3	34W	60H	34W	28H	24D
B1	44W	33H	44W	28H	24D

THIS DRAWING IS FOR REFERENCE PURPOSES. ALL DIMENSIONS ARE SUBJECT TO MINOR VARIATIONS DUE TO MANUFACTURING PROCESSES.

This print is the property of Emergency One, Inc. and is loaned to you subject to return on demand, unless otherwise agreed to in writing by Emergency One, Inc. Its contents are confidential and must not be copied or submitted to third parties for use or examination.



HOSE BED HEIGHT
(FOR REFERENCE ONLY)
TO TAILBOARD 47"
TO GROUND 71"



STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: December 21, 2004

FROM:

Chris Bosch	Fire Operations	Fire
Name	Division	Department

ACTION REQUIRED: Approval of a resolution allowing the Fire Department to purchase one E-One replacement pumper through LEECO Fire Equipment. This project is funded through the 2005 CIP Budget, in the amount of $395,000 and this unit will be used as the expansion engine for Fire Station 3, which will be located in the Tyson facility. Approval of this request will allow the Fire Department to take advantage of the 2004 pricing structure by securing a price of $371,985 which reflects a savings of $23,015 on the purchase price.

COST TO CITY:

$371,985.00	$ 2,247,097.00	Fire Apparatus Purchase Program
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5802.00	$ -	Vehicles & Equipment
Account Number	Funds Used to Date	Program / Project Category Name
03019	$ 116,015.01	Sales Tax Capital
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager ____ Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager ____ Date

Internal Auditor ____ Date

City Attorney D. J. Whit 12/3/04 Date

Purchasing Manager ____ Date

STAFF RECOMMENDATION: Approval of the resolution.

Division Head ____ Date

Department Director C. L. B. 12/3/04 Date

Finance & Internal Services Dir. 12/7/04 Date

Chief Administrative Officer ____ Date

Mayor Dan Coody 12/7/04 Date

Received in Mayor's Office 12/6/04 Date 9 AM

Cross Reference:

Previous Ord/Res#: 4479/55-03

Orig. Contract Date:

Orig. Contract Number:

New Item: **Yes** No

ENTERED 12-3-04 aw

Fayetteville
ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager

DATE: October 27, 2004

SUBJECT: **Proposed 2005 Annual Budget & Work Program**

Recommendation:
Consider the Proposed 2005 Annual Budget & Work Program for adoption by the December 21, 2004 City Council meeting.

Discussion:
The Proposed 2005 Annual Budget & Work Program document was distributed to City Council on Tuesday, November 2 for consideration.

A brief overview of the Proposed 2005 Annual Budget & Work Program document is scheduled for **Tuesday, November 9** following the City Council agenda session that starts at 4:30 PM in room 326. Staff is proposing the dates below as the minimum amount of hearings for the Proposed 2005 Budget.

Date	Budget Meeting
Tuesday, November 9 2004	2005 Proposed Budget Presentation
Tuesday, November 16 2004	City Council Meeting
Tuesday, November 30 2004	Budget Working Session (agenda session)
Tuesday, December 7 2004	City Council Meeting
Tuesday, December 14 2004	Budget Working Session (agenda session)
Tuesday, December 21 2004	City Council Meeting

If you have any questions concerning the Proposed 2005 Annual Budget & Work Program, please feel free to contact either Stephen Davis at 575-8330 or myself at 575-8226. Thank you for your attention to this matter.

Tabled to 12/21/04 mtg 12/7/04
Tabled to 12/7/04 mtg 11/16/04

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE PROPOSED 2005 ANNUAL BUDGET AND WORK PROGRAM.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the Proposed 2005 Annual Budget & Work Program, attached as Exhibit "A".

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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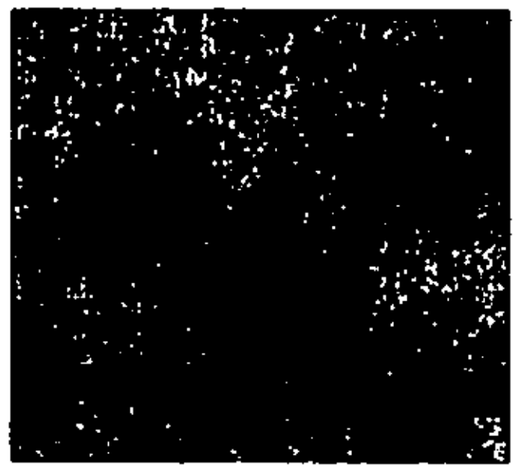

2005

Fayetteville
ARKANSAS

City of Fayetteville, Arkansas

Proposed Annual Budget & Work Program

STAFF REVIEW FORM - Financial Obligation

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 16, 2004

FROM:

Kevin Springer	Budget & Research	Finance & Internal Services
Name	Division	Department

Approve a resolution adopting the Proposed 2005 Annual Budget & Work Program.

COST TO CITY:

	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ___ Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date — Internal Auditor — Date

D.G. Nutter — 10/27/04 — Date — Purchasing Manager — Date

City Attorney

STAFF RECOMMENDATION: Staff recommends approval of the Proposed 2005 Annual Budget.

10-27-04 — Division Head — Date

Cross Reference

Rec'd in Mayor's Office 10/27/04

New Item: Yes No

Department Director — Date

Previous Ord/Res#: ___

10-27-04 — Finance & Internal Services Dir. — Date

Orig. Contract Date ___

10-28-04 — Chief Administrative Officer — Date

Orig. Contract Number ___

10/28/04 — Mayor — Date

FILED 10/27/04

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF DECEMBER 21, 2004

FROM: KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance Amending Title Xi: Chapter 117, Article IV: Taxicabs, And Article V: Limousines Of The Code Of Fayetteville

APPROVED FOR AGENDA:

For Mr. Williams:

D.P. White

City Attorney

12/9/2004

Date

Mayor

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XI: CHAPTER 117, ARTICLE IV: TAXICABS, AND ARTICLE V: LIMOUSINES OF THE CODE OF FAYETTEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Title XI, Chapter 117, Article IV: Taxicabs, Code of Fayetteville is hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in its stead.

Section 2. That Title XI, Chapter 117, Article V: Limousines, Code of Fayetteville is hereby repealed, and Exhibit "B" attached hereto and made a part hereof, is inserted in its stead.

PASSED and **APPROVED** this 21st day of December 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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EXHIBIT "A"

ARTICLE IV
TAXICABS

117.30 Definitions
For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Certificate. A Certificate of Public Convenience and Necessity issued by the City Council, authorizing the holder thereof to conduct a taxicab business in the city.

Driver's permit. The permission granted by the Chief of Police, or his duly-appointed representative, to a person to drive a taxicab upon the streets of the city.

Holder. A person to whom a Certificate of Public Convenience and Necessity has been issued.

Manifest. A daily record prepared by a taxicab driver and/or taxicab company of all trips made by company vehicles showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

Person. Includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association.

Rate card. A card issued by the city for conspicuous display in each taxicab which contains the rates of fare then in force.

Taxicab. A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than seven passengers and not operated on a fixed route. This definition expressly excludes limousines.

Waiting time. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers.

117.31 Rates

(A)All taxicabs shall utilize a meter for calculation of rates and such apparatus shall be clearly visible to the occupant of the vehicle.

(B) The City Council shall set the maximum allowable rates for all taxicabs,

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EXHIBIT "A"

consistent with the provisions of Arkansas Code Annotated § 14-57-303. The City Council shall annually review maximum allowable rates to determine if a change is needed.

117.32 Certificate Of Public Convenience And Necessity Required; Issuance Procedure

(A) No person shall operate or permit a taxicab or limousine owned, leased or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a Certificate of Public Convenience and Necessity from the Fayetteville City Council.

(B) An application for a certificate shall be filed with the Police Department upon forms provided by the city, and said application shall be verified under oath and shall furnish the following information:

(1) The name and address of the applicant, including the name and address of all officers and stockholders of the company, if incorporated, and the name of the person to whom complaints should be directed;

(2) The financial status of the applicant, including the financial status of the officers and stockholders of the company, if incorporated, including the amount of all unpaid judgments against the applicant (officers and stockholders of the company, if incorporated), and the nature of the transaction or acts giving rise to said judgments;

(3) The experience of the applicant including all officers and stockholders of the company, if incorporated, in the transportation of passengers;

(4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;

(5) The number of vehicles to be available for operation or controlled by the applicant and the location of proposed depots and terminals, The applicant shall furnish a minimum and maximum number of vehicles to be permitted;

(6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;

(7) The hours between which the applicant proposes to provide taxicab or limousine service to the general public, and the days, if any, on which the applicant does not propose to provide taxicab service to the general

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EXHIBIT "A"

public, and;

(8) The rate schedule which the applicant proposes to use to charge passengers.

(C) Upon the filing of an application, the City Clerk shall fix a time and place for a public hearing thereon. Written notice of such hearing shall be given to the applicant and to all persons possessing current and valid Certificates of Public Convenience and Necessity. Any interested person shall have the right either in person or by representatives of their own choosing, to be present at all such hearings and to introduce evidence and to be heard either in support of or opposition to the issuance of a certificate.

(D) *Findings of the City Council.*

(1) If the City Council finds that further taxicab or limousine service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this subchapter, then the city clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.

(2) The City Council shall deny any application in which the proposed hours of service or the proposed rate schedule are found to be unreasonable to meet the public need.

(3) In making the above findings, the City Council shall take into consideration the number of taxicabs or limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

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117.33 Liability Insurance

(A) Except as set forth in subsection (B), no Certificate of Public Convenience and Necessity shall be issued or continued in operation unless there is in full force and effect automobile liability insurance for each vehicle. The insurance shall have limits of not less than $25,000for personal injury to, or death of, any one person in any one accident, and liability limits of $50,000 for personal injury to, or death of, two or more persons in any one accident, and $25,000.00 for injury to or destruction of property or others in any one accident. The insurance shall be maintained with an insurance company authorized to do business in the state. A certificate evidencing such insurance shall be filed with the finance director.

EXHIBIT "A"

(B) An applicant may satisfy the insurance requirements of this Section by providing a certificate of self-insurance issued pursuant to A.C.A. § 27-19-107.

117.34 Licensing requirements

(A) Decal required.

No certificate shall be issued or continued in operation unless the holder thereof has secured an annual permit decal for each vehicle granting the right to engage in the taxicab business. The licensing shall be for the calendar year, with holders required to file annual renewal applications and fees at least thirty (30) days prior to the end of each year; and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle or vehicles under his operation and control. All vehicles so licensed shall be required to show proof of the purchase of for hire tags from the State of Arkansas.

(B) Surety Bond required.

No certificate shall be issued unless and until the applicant shall file with the City Clerk a surety bond in the amount of $100.00, conditioned upon the applicant establishing, maintaining, and continuing the proposed service until such time as the certificate issued to the applicant is cancelled, withdrawn, or has expired.

(C)Radio dispatch required.

Every certificate holder shall maintain a radio dispatch system in operation during the hours of operation set forth in the application for the Certificate of Public Convenience and Necessity, capable of providing reasonably prompt service in response to requests received by telephone. Two-way radios are the preferred system. Citizens Band (CB) radios shall not be used. Any holder of a Certificate of Public Convenience and Necessity at the time of passage of this ordinance shall have six (6) months from the effective date thereof to comply with this provision.

(D) Scanners prohibited.

The use of scanners or other similar devices to monitor other taxicab operator's calls is hereby prohibited.

117.35 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

117.36 Suspension, Revocation Of Certificate

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EXHIBIT "A"

(A) A certificate issued under the provisions of this article may be suspended by the Chief of Police, or his duly-appointed representative, if the holder thereof has (1) violated any of the provisions of this article, (2) discontinued operations for more than 20 days, (3) violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(B) The Chief of Police, or his duly-appointed representative, shall inform the City Council of all such suspensions, and may also recommend the revocation of a certificate. Upon such recommendation, the City Council shall set a time and place for a revocation hearing. The holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

117.37 Taxicab Driver's Permit Required; Issuance Procedure

(A) No person shall operate a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this subchapter.

(B) *Application required.*

(1) An application for a taxicab driver's permit shall be filed with the Chief of Police, or his duly-appointed representative, on forms provided by the city, and such application shall be verified under oath and shall contain the following information:

(a) The names and addresses of four residents of county, who have known the applicant for a period of one year and who will vouch for the sobriety, honesty, and general good character of the applicant.

(b) A concise history of his employment; and,

(c) satisfactory proof that the applicant is twenty one (21) years of age or over, as required by Arkansas Code Annotated § 14-57-404.

(C) Before any application is finally passed upon by the Chief of Police, or his duly-appointed representative, the applicant shall be required to show that he has a current motor vehicle's chauffeur's for hire permit issued by the state.

(D) The police department shall conduct a local background check of each

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EXHIBIT "A"

applicant for a taxicab driver's permit, and a report of such background check and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police, or his duly-appointed representative,.

(E) The Chief of Police, or his duly-appointed representative, shall, upon consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the City Council to offer evidence why his application should be reconsidered.

(F) *Form and term of permit.*

(1) Upon approval of an application for a taxicab driver's permit, the Chief of Police, or his duly-appointed representative, shall issue a permit to the applicant which shall bear the name, address, age, signature and photograph of the applicant.

(2) Such permit shall be in effect for the remainder of the calendar year. A renewal permit for each calendar year thereafter shall be issued, unless the permit for the preceding year has been revoked.

(G) Each certificate holder shall maintain copies of the drivers' permit application and other supporting information so long as the driver is employed by the certificate holder. Each certificate holder shall promptly inform the Chief of Police, or his duly-appointed representative, upon the termination or resignation of a driver.

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117.38 Display Of Permit

Every permittee under this article shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab, and the permit shall be illuminated when necessary for viewing.

117.39 Suspension, Revocation Of Permit

The Chief of Police, or his duly-appointed representative, is hereby given the authority to suspend any driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article, such suspension to last for a period of not more than ten days. The Chief of Police, or his duly-appointed representative, is also given authority to revoke any driver's permit for failure to comply with the provisions of this article. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf.

EXHIBIT "A"

117.40 Failure To Comply With Applicable Law
Every driver licensed under this article shall comply with all city, state, and federal laws. Failure to do so will justify the Chief of Police, or his duly-appointed representative, in instituting proceedings for revocation of the permit.

117.41 Vehicles To Be Kept Safe And Sanitary
Every vehicle operating under this article shall be subject to a thorough examination and inspection by the Fleet Division of the City, to include verification of the accuracy of each fare meter. The cost of said inspection shall be at a rate set by the Fleet Superintendent and shall be calculated at the hourly charge schedule utilized by the division. In addition, certificate holders shall pay an annual one hundred (100) dollar fee per vehicle, to defray the City's administrative costs. The vehicle must comply with such reasonable rules and regulations as may be prescribed by the Chief of Police, or his duly-appointed representative. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Chief of Police, or his duly-appointed representative, shall determine necessary. The vehicle, upon passage of an inspection, shall be affixed with a decal that certifies the vehicle as safe to operate in the city of Fayetteville.

117.42 Designation Of Vehicle As Taxicab By Insignia Or The Like
No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the Chief of Police, or his duly-appointed representative, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this article, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if, after a license has been issued for a taxicab hereunder, the color scheme, identifying design, monogram or insignia is used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license of or certificate covering such taxicab or taxicabs shall be suspended or revoked. The vehicle operator shall also be required to display the decal affirming the safe condition of the vehicle. In addition, every taxicab shall have affixed to its roof an illuminated sign bearing either the word "taxicab" or "taxi."

117.43 Acceptance, Discharge Of Passengers
(A) Duties of Drivers.

(1) *Restriction on number of passengers.* No drivers shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as defined by the vehicle manufacturer. Every taxicab, as required by state law, shall carry a child safety seat and the driver shall know how to properly install and safely use such device. A child under

EXHIBIT "A"

six years of age, properly restrained by a child safety seat shall not be counted as an extra passenger when accompanied by an adult.

(2) *Refusal to carry orderly passengers prohibited.* No driver shall refuse or neglect to convey any orderly person or persons, or any person or persons accompanied by a seeing eye dog, or a seeing eye dog upon request, unless unable or forbidden by the provisions of this article to do so; provided, it shall not be unlawful for a driver to refuse or neglect to convey any passenger who has previously refused or failed to pay a legal fare as provided in this article.

(3) *Prohibitions of drivers.* It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel or motel, or to attempt to divert patronage from one hotel or motel to another. Neither shall such driver engage in selling intoxicating liquors or use his vehicle for any illegal purpose.

(4) *Passengers without fare prohibited.* No driver shall permit any person to be carried in a taxicab as a passenger without payment of the legal fare mentioned in this article while a fare-paying passenger is also being carried in the cab.

(B) *"Shared Ride" vs. "Exclusive Ride."* All persons engaged in the taxicab business in the city, operating under the provisions of this article, shall render an overall service to the public desiring to use taxicabs. Such service may be a "shared ride" taxicab system where the consent of passengers is not needed to pick up or discharge additional passengers, nor to choose the route taken by the vehicle; or, such service may be an "exclusive ride" taxicab system providing door-to-door service in which the party hiring the vehicle has exclusive use of the vehicle and may direct the vehicle's route and destination. Under the shared ride system, a maximum of three pickups at different locations shall be permitted; after which all parties must reach their destination before additional pickups can be made.

(C) *Response to calls.* Holders of Certificates of Public Convenience and Necessity shall answer all calls received by them during the hours of operation specified on the holder's application for services inside the corporate limits of the city as soon as they can do so; and, if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason for the delay. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs shall be deemed in violation of this article, except on those occasions when the Chief

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EXHIBIT "A"

of Police, or his duly-appointed representative, declares the streets of the City to be unsafe due to inclement weather. Any vehicle operated under the provisions of this article shall be equipped with snow tires or chains when required by weather conditions.

117.44 Signed Receipt To Passenger Upon Request

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a signed receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the taxicab company, the number of the taxicab, amount of charges, and date and time of transaction.

117.45 Refusal Of Passenger To Pay Fare

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

117.46 Daily Manifest To Be Kept

Every company shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin and destination of each trip and amount of fare. The forms for each manifest shall be of a character approved by the chief of police.

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117.47 Advertising

(A) Subject to the restrictions provided herein, it shall be lawful for any person owning or operating a taxicab, bus, van, or motor vehicle for hire to permit advertising matter to be affixed or installed in or on such taxicab, bus, van, or motor vehicle for hire. The advertising shall not in any way obstruct the vision of the driver of the vehicle. Advertising on a taxicab shall be limited to one sign located on the rear of the vehicle which sign shall not exceed nine square feet in area. Advertising on a bus or van shall be limited to one sign on each side of the vehicle and one sign on the rear of the vehicle, none of which signs shall exceed 12 square feet in area.

(B) It shall be unlawful for any person to display on any taxicab, bus, van, or motor vehicle for hire any advertisement of tobacco products, alcoholic beverages, x-rated motion pictures, or any advertisement that is false, misleading, or deceptive.

117.48 Enforcement

The police department possesses the authority under existing law to issue citations as appropriate.

EXHIBIT "A"

117.50 Meter Rates Established

(A) It shall be unlawful for any person, owning, operating, driving, or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi," "taxicab," or "cab" or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi," "taxicab," or "cab" unless such vehicle is equipped with an approved fare meter according to the provisions of this chapter. An approved fare meter is a meter that registers accumulating fare charge with each amount being visible to passenger(s).

(B) Meter rates shall be used exclusively by all taxicabs excluding waiting time except as provided in subsection (D) below. The ceiling rates shall apply to all taxicabs operating in the city.

The initial rates are set out as follows:

(1) Exclusive ride. Ceiling rate, no more than a rate of:

(a) Initial meter charge $2.00

(b) Charge per mile $1.50

(2) No more than $1.00 per additional person shall be charged.

(3) Waiting time ceiling rate, not to exceed $18.00 per hour.

(C) Passengers shall pay only the fare which appears on the meter. If no fare appears on the meter, the passenger's ride shall be free, except as provided in subsection (D) below, and excluding waiting time.

(D) A taxicab operator may make special contractual arrangements in advance with persons at fares either higher or lower than those set forth by this article, but such contract must be in writing and a copy thereof filed with the City Clerk.

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EXHIBIT "B"

ARTICLE V
LIMOUSINE SERVICE

117.60 Definition
For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Limousine service. Transportation service over the streets of the city, in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.

117.61 License Required; Fee
It is hereby declared to be a privilege for any person to furnish limousine service, and no person shall engage in such undertaking without first paying to the city an annual license fee of $100.00 for each limousine used on the streets of the city for the privilege of engaging in such business, and obtaining a Certificate of Public Convenience and Necessity. The fee shall be paid on or before January 1st of each year.

117.62 Vehicles To Be Kept Safe And Sanitary
Every vehicle operating under this article shall be subject to a thorough examination and inspection by the Fleet Division of the City. The cost of said inspection shall be at a rate set by the Fleet Superintendent and shall be calculated at the hourly charge schedule utilized by the division. The vehicle must comply with such reasonable rules and regulations as may be prescribed by the Chief of Police, or his duly-appointed representative. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the Chief of Police, or his duly-appointed representative, shall determine necessary. The vehicle, upon passage of an inspection shall be affixed with a decal that certifies the vehicle as safe to operate in the city of Fayetteville.

117.63 Liability Insurance
(A) Except as set forth in subsection (B), no person shall furnish limousine service unless and until such person has filed with the finance director a copy of a motor vehicle liability insurance policy issued by an insurance company authorized to do business in the state, providing limits of not less than $25,000.00 for personal injury to, or death of, any one person in any one accident, liability limits of $50,000.00 for personal injury to, or death of, two or more persons in any one accident, and $25,000.00 for injury to or destruction of property of others in any one accident.

(B) An applicant may satisfy the insurance requirements of this Section by providing a certificate of self-insurance issued pursuant to A.C.A. § 27-19-107.

27-19-107. Self-insurers.

(a) Any religious denomination which has more than twenty-five (25) members who own motor vehicles registered in this state and which prohibits its members from purchasing insurance of any form as being contrary to its religious tenets, or any person in whose name more than twenty-five (25) vehicles are registered in this state or any political subdivision or municipality of this state, individually or collectively, may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the office as provided in subsection (b) of this section.

(b) The office may, in its discretion, upon the application of the religious denomination, person, political subdivision, or municipality, individually or collectively, issue a certificate of self-insurance when it is satisfied that the religious denomination, person, political subdivision, or municipality is possessed and will continue to be possessed of ability to pay judgments against them. The certificate may be issued authorizing a religious denomination, person, political subdivision, or municipality, individually or collectively, to act as a self-insurer for either property damage or bodily injury, or both.

(c)(1) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the office may, upon reasonable grounds, cancel a certificate of self-insurance.

(2) Failure to pay any judgment within thirty (30) days after the judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

History. Acts 1953, No. 347, § 88; A.S.A. 1947, § 75-1488; Acts 1987, No. 590, § 4; 1989, No. 189, § 1.

Fayetteville

City Council Meeting of December 21, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Greg Boettcher, Water/Wastewater Director

Date: November 29, 2004

Subject: Ordinance authorizing a bid waiver for the purchase of specialized water and sewer equipment and materials including water metering systems and approval of the purchase of ten (10) hand-held touch-read water meter reading devices complete with communication accessories from SENSUS Metering Systems.

RECOMMENDATION

Fayetteville City Administration recommends approval of a bid waiver and the authorization of the purchase of ten (10) hand-held touch-read water meter reading devices complete with communcation accessories for $41,062.50 from SENSUS Metering Systems.

BACKGROUND

It is not feasible or practical for Fayetteville's Meter Reading Division to use a competive bidding procedure for the acquisiton of water metering and meter reading equipment as this represents an exceptional circumstance where standardization becomes a necessity. Factors that justify the use of a sole source supplier include minimization of parts inventories, uniformity of training, compatability of equipment and interchangability of devices. To allow competitive pricing to drive the city's purchase of metering devices would result in false economies due to the secondary costs associated with utilization of multiple providers and the operational challenges of incompatable manufacturers. Water metering equipment was determined to represent an exceptional circumstance on April 6, 1993 when the City Council passed Ordinance No. 3696 waiving the competitive bidding for such specialized and unique equipment (copy attached). In order to secure firm pricing from SENSUS Metering Systems, annual quotations are secured for equipment and parts, this annual quotation being used for purchases during the calendar year.

DISCUSSION

The existing hand-held meter reading devices have been in active daily service for approximately 10 years. In addition to growing repair problems and reduced reliability, the devices are outdated with the current inventory being insufficient to provide spare units for personnel. The current devices will be exchanged for new units in accordance with the following pricing:

10 each	RR4001 Hand Held Units ($3,562.50)	$35,625.00
2 each	Charging Racks (included in above)	$ 0.00
1 each	RR4002 Hand Held Units ($5,437.50)	$ 5,437.50
	TOTAL	**$41,062.50**

BUDGET IMPACT

The approval of the resolution will have no adverse budget impact; the Meter Operations Department's budget for 2004 included funds for the replacement of the hand-held meter reading devices.

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF TEN (10) HAND-HELD TOUCH-READ METER READING DEVICES WITH COMMUNICATION ACCESSORIES FROM SENSUS METERING SYSTEMS FOR THE METER OPERATIONS DIVISION IN THE AMOUNT OF $41,062.50.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that the need for parts inventory minimization, training uniformity, equipment compatibility, and device interchangeability for metering and meter reading equipment constitutes an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding, and approves the purchase of ten (10) Hand-Held Touch-Read Meter Reading Devices with communication accessories from SENSUS Metering Systems for the Meter Operations Division in the amount of $41,062.50.

PASSED and **APPROVED** this 21st day of December 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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ORDINANCE NO. 3696

AN ORDINANCE AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PURCHASE OF CAST IRON PIPE AND FITTINGS, DUCTILE IRON PIPE, SOIL PIPE, WATER METERS, CLAY PIPE AND FITTINGS, BRASS WATER AND SEWER ITEMS, COPPER PIPE AND FITTINGS, PLASTIC PIPE AND FITTINGS AND STRONG SEAL MS2A FOR THE WATER AND SEWER DEPARTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the Council hereby waives the requirements of competitive bidding for the purchase of cast iron pipe and fittings, ductile iron pipe, soil pipe, water meters, clay pipe and fittings, brass water and sewer items, copper pipe and fittings, and plastic pipe and fittings for the Water and Sewer Department for the reason that said requirements are not feasible because manufacturers and suppliers will not confirm contract prices for a one year period and the aforesaid items are priced on very short term.

Section 2. If possible, competitive quotations shall be taken before any of the aforesaid materials are purchased.

Section 3. The Council hereby determines that the Water and Sewer Department of the City of Fayetteville is in immediate need of the materials enumerated in Section 1 above and will continue to need said materials on a periodic basis; that the requirements of competitive bidding for the purchase of said materisla is not feasible for the reasons stated in Section 1 above; and that the passage of this ordinance is necessary to enable the immediate and continuing purchase of said materials without undue cost to the City. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 6th day of April, 1993.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Sherry L. Thomas
Sherry L. Thomas, City Clerk

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:		Date:	
P.O. Number:		Expected Delivery Date:	
Vendor #: 10230	Vendor Name: Sensus Metering Systems	Mail: Yes No X	
Address: P.O. Box 487	FOB Point:	Taxable: Yes X No	
City: Uniontown	State: PA	Zip: 15401	Ship To Code: 082
Requester: Don Osburn	*Requester's Employee#: 8	Division Head Approval: Don Osburn	
		Extension: 384	

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	RR400L Hand Held Device Touch Read Unit W/Alpha Numeric Key Pad And Hand Strap-Upgrade Program	10	Ea	3,562.50	35,625	5400-1840-5811-00	02065		
2	RR 400S Communication/ Master Charging Stand W/Power And Communication Cable-Upgrade Program	10	Ea	-0-	-0-	5400-1840-5811-00	02065		
	SHIPPING/HANDLING								

Special Instructions:

Subtotal:

Tax:

TOTAL:

Approvals: (for purchasing office use only)

Mayor:

Department Director: 11-29-04

Admin. Services Director:

Budget Coordinator:

Purchasing Manager:

Data Processing Mgr:

Sensus Metering Systems Bid Waiver
Page 4 of 10
C-2

Page 2

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:	Date:
P.O. Number:	Expected Delivery Date:

Vendor #:

Vendor Name:

Address:

City:

Requester:

Programmer + RADIO

Mail: Yes No

Taxable: Yes No

FOB Point:

Ship To Code:

*Requester's Employee#:

Division Head Approval:

Extension:

Item	Description:				Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
3	RR4002 Hand Held Device	1	Ea	5,437.50	5,437.50	5400-1840-5811-00	02065		
	Radio Read Unit W/ Alpha								
	Numeric Key Pad And Hand								
	Strap - Upgrade Program								
4	RR4005 Communication/	1	Ea	-0-	-0-	5400-1840-5811-00	02065		
	Master Charging Stand W/								
	Power and Communication								
	Cable - Upgrade Program								
	SHIPPING/HANDLING								

Special Instructions:

Subtotal: 41,062.50

Tax:

TOTAL:

Approvals: (for purchasing office use only)

Mayor: Department Director: Purchasing Manager:

Admin. Services Director: Budget Coordinator: Data Processing Mgr:

SENSUS
METERING SYSTEMS

1501 Ardmore Boulevard
6th Floor
Pittsburgh Pennsylvania 15221 USA

TOLL FREE HOTLINE
1-800-METER-IT
1-800-638-3748

QUOTATION

Your Quote Number: 783

US Dollar

Line	Description	Quantity	U/M	Unit Price
57	Part#: 5380753740601 AR4006 COMMUNICATION/AUX CHARGING STAND W/POWER AND COMMUNICATION CABLES	1	EA	603.750
58	Part#: 5380753749001 AR4080 AUTOGUN ASSEMBLY GRAY	1	EA	1,087.500
59	Part#: 5380733749001 AUTOGUN PITPROBE EXTENSION FOR AR4080 ONLY	1	EA	.000
60	Part#: 5380773740101 UPGRADE PROGRAM, UPGRADE TO AR4001 HAND HELD DEVICE TOUCH READ UNIT W/ALPHA NUMERIC KEYPAD AND HAND STRAP	1	EA	3,562.500 — 10=EA.
61	Part#: 5380773740501 UPGRADE PROGRAM, UPGRADE TO AR4005 COMMUNICATION/MASTER CHARGING STAND W/POWER AND COMMUNICATION CABLE	1	EA	.000 — 10=EA
62	Part#: 5380773740201 UPGRADE PROGRAM, UPGRADE TO AR4002 HAND HELD DEVICE RADIO READ UNIT W/ALPHANUMERIC KEYPAD AND HAND STRAP	1	EA	5,437.500 — 1=EA
63	Part#: 5380773740501 UPGRADE PROGRAM, UPGRADE TO AR4005 COMMUNICATION/MASTER CHARGING STAND W/POWER AND COMMUNICATION CABLE	1	EA	.000 — 1=EA
64	Part#: 5395490035001 VEHICLE TRANSCEIVER UNIT (VXU) W/COMPUTER AND VXU OPERATING SOFTWARE IN CARRYING CASE MODEL 3500	1	EA	21,145.030

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at http://www.sensus.com/pdf/termsconditions.pdf
Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale

SENSUS
METERING SYSTEMS

1501 Ardmore Boulevard
6th Floor
Pittsburgh Pennsylvania 15221 USA

TOLL FREE HOTLINE
1-800-METER-IT
1-800-638-3748

QUOTATION
Your Quote Number: 793
Reference: ANNUAL

Bill to Customer: 257234

ATTENTION HARLAN HENSON & DON OSBUURN
FAYETTEVILLE CITY OF
ACCOUNTS PAYABLE
113 W MOUNTRIN ST
FAYETTEVILLE AR 72701 USA

Ship to Customer: 2

FAYETTEVILLE CITY OF
1475 WEST CATO SPRINGS RD
FAYETTEVILLE AR 72701

Salesman: PARKER WILLIAM M
Terms: NET 30 DAYS

Effective Date: 1/01/04
Expiration Date: 12/31/04

Line	Description	Quantity	U/M	US Dollar Unit Price
1	Part#: 5085696031016 METER 5/8X3/4" SR DR GALLON ROCKSYN CHAMBER, BRONZE BOTTOM BRONZE LID, BRONZE CAPSCREWS	1	EA	35.100
2	Part#: 5085696561905A METER 5/8 X 3/4" SR ECRWP 100 GALLON, 5 WHEEL 4A BLACK BOX, ROCKSYN CHAMBER BRONZE BOTTOM, BRONZE LID BRONZE CAPSCREWS W/25' WIRE, LESS/TOUCHPAD	1	EA	76.850
3	Part#: 5080696031026 METER 3/4" SR SHORT DR GALLON ROCKSYN CHAMBER, BRONZE BOTTOM BRONZE LID, BRONZE CAPSCREWS 7.5" LL	1	EA	53.490
4	Part#: 5080896031020 METER 1" SR DR GALLON ROCKSYN CHAMBER, BRONZE BOTTOM BRONZE LID, BRONZE CAPSCREWS	1	EA	81.210
5	Part#: 5081090031026 METER 1-1/2" SR DR GALLON FLANGED, ROCKSYN CHAMBER BRONZE LID, BRONZE CAPSCREWS	1	EA	232.330

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems Terms of Sale available for viewing and downloading at http://www.sensus.com/pdf/termsconditions.pdf Please contact Customer Service at 1-800-638-3749 if you are unable to access this site and require a printed copy of the Terms of Sale

SENSUS
METERING SYSTEMS

1501 Ardmore Boulevard
6th Floor
Pittsburgh Pennsylvania 15221 USA

TOLL FREE HOTLINE
1-800-METER-IT
1-800-638-3748

QUOTATION

Your Quote Number: 793

US Dollar

Line	Description	Quantity	U/M	Unit Price
57	Part#: 5390753740601 AR4006 COMMUNICATION/AUX CHARGING STAND W/POWER AND COMMUNICATION CABLES	1	EA	603.750
58	Part#: 5390753749001 AR4090 AUTOGUN ASSEMBLY GRAY	1	EA	1,087.500
59	Part#: 5390733749001 AUTOGUN PITPROBE EXTENSION FOR AR4090 ONLY	1	EA	.000
60	Part#: 5390773740101 UPGRADE PROGRAM, UPGRADE TO AR4001 HAND HELD DEVICE TOUCH READ UNIT W/ALPHA NUMERIC KEYPAD AND HAND STRAP	1	EA	3,562.500
61	Part#: 5390773740501 UPGRADE PROGRAM, UPGRADE TO AR4005 COMMUNICATION/MASTER CHARGING STAND W/POWER AND COMMUNICATION CABLE	1	EA	.000
62	Part#: 5390773740201 UPGRADE PROGRAM, UPGRADE TO AR4002 HAND HELD DEVICE RADIO READ UNIT W/ALPHANUMERIC KEYPAD AND HAND STRAP	1	EA	5,437.500
63	Part#: 5390773740501 UPGRADE PROGRAM, UPGRADE TO AR4005 COMMUNICATION/MASTER CHARGING STAND W/POWER AND COMMUNICATION CABLE	1	EA	.000
64	Part#: 5395490035001 VEHICLE TRANSCEIVER UNIT (VXU) W/COMPUTER AND VXU OPERATING SOFTWARE IN CARRYING CASE MODEL 3500	1	EA	21,145.030

10 units

1 unit

This Quotation is an offer to sell which includes and is subject to the Sensus Metering Systems
Terms of Sale available for viewing and downloading at http://www.sensus.com/pdf/termsconditions.pdf
Please contact Customer Service at 1-800-638-3748 if you are unable to access this site and require a printed copy of the Terms of Sale

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Greg Boettcher	Water and Wastewater	Meter Operations
Submitted By	Division	Department

Action Required:

Ordinance authorizing a bid waiver for the purchase of specialized water and sewer equipment and materials including water metering systems; and approval of the purchase of ten (10) hand-held touch-read water meter reading devices complete with communicaiton accessories from SENSUS Metering Systems.

$41,062.50	$ 392,320.00	Water/Wastewater
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.1840.5811.00	$ 279,380.40	Meter Operations
Account Number	Funds Used to Date	Program / Project Category Name
02065	$ 112,939.60	Water and Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — 11-29-04 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

City Attorney — 11/30/2004 Date

Original Contract Number: ____

Received in Mayor's Office
12/1/04 PM.

Chief Administrative Officer — Date

Received in City Clerk's Office

Mayor — 12/1/04 Date

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director

DATE: December 2, 2004

SUBJECT: University of Arkansas Research

Recommendation
Staff recommends approval of the resolution authorizing the Mayor and City Clerk to sign a Master Contract with the Trustees of the University of Arkansas for services to be provided by the University to the City.

This master contract sets forth the contractual agreements for the services requested by the City and performed by the University. Each consulting agreement and/or study engagement will be authorized on individual task orders. All task orders in excess of $20,000 will be submitted to City Council for approval. Task orders $20,000 and under can be approved by the Mayor as long as the adopted budget contains funding for the service.

Background

The City and University have enjoyed a long, cooperative history to accomplish task of benefit to the each organization. A partial listing of joint efforts includes the development and use of the Continuing Education Center, the joint funding of construction cost for Walton Arts Center, cooperative efforts for economic development (Fayetteville Economic Development Council, Inc), land leases allowing each organization to use land (Lewis Soccer Fields and city-owned land fronting Razorback Road) belonging to the other entity, cost sharing for public transit, etc.

Discussion

The City has identified numerous technical areas that the University provides expertise in. These services could be purchased from individual companies. However, obtaining this wide-spectrum of services from a single organization other than the University is extremely unlikely. Staff has developed a listing of services the University has provided or is planned to provide the City from 2003 through 2006. The cumulative value of these services is in excess of $585,000.

Budget Impact

The services are included in the 2004 and/or 2005 Budget. Any project or work item not currently identified in the 2005 Budget will be submitted for City Council approval if the total task is in excess of $20,000.

Research Support and Sponsored Programs

Attachment

Planned-to-Contract or Contracted Items

2003 Items:	
UofA Research Center Conducting a Citizen's Survey	$ 23,640
CADIS	$ 12,000
Total	$ 35,640
2004 Items:	
Study: Developing a Survey Instrument	$ 2,525
Study: Survey for Georgia/UA Football Game	$ 1,314
Study: Survey for Bikes, Blues, and BBQ	$ 1,314
Study: Forecasting Revenue in the City of Fayetteville	$ 9,808
Study: Fire Department Fitness Program	$ 132,600
CADIS	$ 12,000
Study: Analyzing the Economic Impact to the City of Fayetteville from Operations and Capital Improvements at Drake Field	$ 4,987
Study: East Square Development Economic Forecast of Assessment Values in TIF	$ 4,054
Study: Downtown Master Plan Economic Forecast of Assessment Values in TIF	$ 4,500
Study: I-540 TIF	$ 4,500
Supplemental to TIF's	$ 4,000
Study: Development of a Paving Management System	$ 79,806
University Master Traffic and Parking Study	$ 30,000
Study: Stream Assessment and Monitoring Porject (multi-year)	$ 129,989
Total	$ 421,397
2005 Items:	
UofA Research Center Conducting a Citizen's Survey	$ 25,000
Study: Sales Tax Revenue in the City of Fayetteville	$ 10,000
CADIS	$ 12,000
Study: South Fayetteville TIF	$ 4,500
Study: Downtown Master Plan Economic Forecast of Assessment Values in TIF	$ 4,500
Study: Southpass TIF	$ 4,500
Study: Survey for UA Football Game	$ 1,314
Study: Survey for Bikes, Blues, and BBQ	$ 1,314
Study: Survey for Youth Athletic Tournament	$ 1,314
Study: Survey for Adult Athletic Tournament	$ 1,314
Total	$ 65,756
2006 Items:	
CADIS	$ 12,720
Study: Review and Update Paving Management System	$ 50,000
Total	$ 62,720
Total Contract Value Identified 2003-2006	$ 585,513

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A MASTER CONTRACT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS TO PROVIDE THE CITY OF FAYETTEVILLE WITH SPECIFIC CONSULTING AND STUDY SERVICES.

WHEREAS, the University of Arkansas possesses unique expertise and resources ideally suited to meet the City of Fayetteville's need for statistical data relating to budgeting and policy-making; and

WHEREAS, the University of Arkansas is uniquely qualified to meet a wide variety of these needs at a level of customization that is unavailable from other possible providers at such a significant savings to the citizens of Fayetteville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract (marked as Exhibit "A" and attached hereto) between the City of Fayetteville, Arkansas and the Board of Trustees of the University of Arkansas to provide the City of Fayetteville with specific consulting and study services, and authorizes Mayor Coody to execute this agreement.

PASSED and **APPROVED** this 21st day of December 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

THE UNIVERSITY OF ARKANSAS
MASTER AGREEMENT

THIS AGREEMENT, effective this the _____ day of December, 2004, by and between the Board of Trustees of the University of Arkansas acting for and on behalf of the University of Arkansas, Fayetteville campus, 120 Ozark Hall, Fayetteville, AR 72701 (hereinafter referred to as "University") and City of Fayetteville, 113 West Mountain Street, Fayetteville, AR 72701 (hereinafter referred to as "City")

WITNESSETH:

WHEREAS, University has expertise and related and/or proprietary and complementary technologies, infrastructure, equipment, and facilities (hereinafter referred to as "Expertise"), which it intends to utilize in partial fulfillment of its role as a Land Grant University by providing Expertise to its various constituencies, including private companies and cooperatives, for the benefit of the State of Arkansas; and

WHEREAS, City may have activities for which it desires specialized assistance requiring this Expertise; and

WHEREAS, such Expertise is available on a specified basis from the University through various units, (hereinafter referred to as "Unit"); and

WHEREAS, the application and utilization of Expertise contemplated by this Agreement is of mutual interest and benefit to University and City; will further the instructional, research, public service, and economic development missions of the University; and may derive benefits for both City and University through the advancement of knowledge;

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, and with intent to be legally bound, the parties hereto agree to the following:

Article 1- Definitions

As used herein, the following terms shall be defined as indicated:

1.1 "Individual Task Order" (hereinafter referred to as "ITO") shall mean the description of a mutually agreeable project under the direction of a Project Coordinator (PC). ITO's shall be issued by the City under this Agreement in the format described in Exhibit I, attached hereto and incorporated herein.

1.2 "Period of Performance" shall mean the period specified in an ITO for the provision of Task Services as outlined in that ITO.

1.3 "Task Services" shall mean the description of the project as described in an ITO. Task Services shall be under the overall supervision of the UA Project Coordinator (UAPC).

1.4 "Program Period" means the effective period of this Agreement which shall commence on the effective date of this Agreement and continue for a period of one year. By written mutual agreement, the Program Period may be extended.

Article 2 – Task Services

2.1 University shall provide Task Services promptly after the effective date of a properly issued ITO and shall use diligent efforts to perform such service substantially in accordance with the terms and conditions of this Agreement. Anything in this Agreement to the contrary notwithstanding, City and University may at any time amend an ITO by mutual written agreement.

2.2 In the event that the UAPC of an ITO becomes unable to perform the services outlined by this Agreement or an ITO, a mutually acceptable substitute shall be selected. In the event that a suitable replacement for a UAPC cannot be identified, the City may terminate the ITO in accordance with Article 6.

Article 3 - Fiscal Considerations

3.1 University shall account for each ITO individually. For each ITO, University shall render to the City a Request for Payment at the end of each month detailing the services performed during the preceding month. The City endeavors to pay for services rendered within thirty (30) days of receipt of an invoice for the services performed. It is expressly agreed and understood by the Parties that the total costs for each ITO shall be on a firm fixed price basis and shall not exceed the amount approved on by individual ITO.

3.2 Unless otherwise agreed to in an ITO, University shall retain title to any equipment purchased with funds provided by City under this Agreement.

Article 4 - Reports and Publications

The University shall provide City with a written report of results obtained in the performance of each ITO issued. City recognizes that the results of Task Services provided hereunder may be published by University, and that the University shall be free to publish these results.

Article 5- Publicity

Neither party will use the name of the other in any publicity, advertising, or news release without the prior written approval of an authorized representative of the other party.

Article 6 - Termination

Either party may terminate this Agreement or any ITO issued hereunder upon thirty (30) days prior written notice to the other. All costs and noncancelable obligations reasonably incurred by University at the time of termination shall be reimbursed by City. At the request of City, all City provided materials unused at the time of termination shall be returned to City.

Article 7 - University Status

7.1 In the performance of all Task Services, hereunder, University shall be deemed to be and shall be an independent contractor.

7.2 Neither party is authorized or empowered to act as agent for the other for any purpose and shall not on behalf of the other enter into any contract, warranty, or representation as to any matter. Neither shall be bound by the acts or conduct of the other.

Article 8 - Warranties and Indemnity

University in no way guarantees the Expertise services performed pursuant to this Agreement and makes no warranties, express or implied, regarding the quality of product produced under this Agreement. City agrees to indemnify and hold harmless University against any claims arising out of City's commercial sale or distribution of products or processes developed under this Agreement, or its reliance upon the reports set forth in Article 4.

Article 9- Notices

Notices, invoices, communications, and payments hereunder shall be deemed made if given by overnight courier or by registered or certified envelope, postage prepaid, and addressed to the party to receive such notice, invoice or communication at the address given below, or such other address as may hereafter be designated by notice in writing:

If to City:

City of Fayetteville
Dan Coody, Mayor
113 West Mountain Street
Fayetteville, AR 72701
Phone: (479) 575-8330
Fax: (479) 575-8527

If to University:

Rosemary H. Ruff, Director
Research Support and Sponsored Programs
University of Arkansas
120 Ozark Hall
Fayetteville, AR 72701
Phone: (479) 575-3845

If Payment Matters:

Research Accounting
University of Arkansas
Administration Building
ADMN - 305
Fayetteville, AR 72701
Phone: (479) 575-4853

Article 10 - Governing Law

This Agreement shall be governed and interpreted in accordance with the substantive laws of the State of Arkansas and with the applicable laws of the United States of America.

Article 11 - Assignment

Neither Party shall assign this Agreement without the prior, written consent of the other Party.

Article 12 - Agreement Modification

Any change to the terms of this Agreement shall be valid only if the change is made by mutual agreement and approved in writing by an authorized official of each party hereto.

Article 13 - Entire Agreement

This Agreement represents the entire agreement and understanding between the parties with respect to the subject matter hereof, and supersedes any prior and/or contemporaneous discussions, representations, or agreements, whether written or oral, of the parties regarding this matter.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in duplicate as of the day and year first above written.

BOARD OF TRUSTEES
UNIVERSITY OF ARKANSAS
By:

_____
ROSEMARY RUFF, Director, RSSP

_____

ATTEST:

_____

CITY OF FAYETTEVILLE

By:

_____
DAN COODY, Mayor

_____

ATTEST:

_____
SONDRA SMITH, City Clerk

INDIVIDUALTASK ORDER NO. _____
MASTER AGREEMENT BETWEEN
UNIVERSITY OF ARKANSAS AND CITY OF FAYETTEVILLE

Project Title:

Project Description (Attach additional pages as necessary.):

Project Coordinator(s):

Period of Performance: Start date _____ End Date _____

Project Budget:

Salaries & Wages	_____
Fringe Benefits	_____
Materials & Supplies	_____
Travel	_____
Equipment	_____
Other Direct Costs	_____
Total Direct Costs	_____
Facilities & Administrative Costs	_____
Total Project Costs	_____

APPROVED:
CITY OF FAYETTEVILLE

_____
Name Date
Title

APPROVED:
UNIVERSITY OF ARKANSAS

_____
Rosemary H. Ruff Date
Title Director, Research Support & Cityed Programs

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Stephen Davis	FIS Director	Finance & Internal Services
Submitted By	Division	Department

Action Required:

Approval of a resolution authorizing the Mayor and City Clerk to execute the 2005 Master Contract with the Board of Trustees, University of Arkansas that authorizes the City to utilize University of Arkansas for specfic consulting and identified studies.

	See Attachment	
Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
	See Attachment	See Attachment
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-3-04 Date

City Attorney — 12/8/2004 Date

Mayor — 12/8/04 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in Mayor's Office

Received in City Clerk's Office

Comments:

ENTERED 12-3-04

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: December 03, 2004

Subject: Annexation for Doris Roberts (ANX 04-1222)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation for Doris Roberts, a 47.13-acre tract located on Roberts Road east of Fayetteville. This action will incorporate the 47.18-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property contains approximately 47.13 acres of agricultural property located south of Huntsville Road, south and east of Roberts Road/Goff Farm Road. It is surrounded on the north and east by land in the Planning Area, on the south by land zoned RSF-4, and property to the east both in the Planning Area, zoned R-A, and zoned RSF-4. Floodway and floodplain from a West Fork of the White River tributary is located on the easternmost portion of the site. Numerous single family developments are under construction in the nearby vicinity, immediately south and west of the property.

The applicant requests annexation of the property into the City of Fayetteville. A rezoning request has also been submitted, for RSF-4 zoning. The applicant intends to develop a single family residential subdivision within the City of Fayetteville.

Staff recommends approval of the proposed annexation. The subject property is adjacent to the City limits, will create an appropriate City boundary, and the future development of single family residential is consistent with adjoining developments both in terms of density and compatibility.

DISCUSSION

This item was heard at the regular Planning Commission on November 22, 2004. Discussion involved both the need for street improvements for surrounding streets and roads in the area at the time of development and emergency response time which should decrease if the Fire Station/Tyson Property is approved by the City Council. Other single family subdivisions are developing in the area and are located within the city limits, to which emergency service personnel already respond. The Planning Commission voted 6-0 in favor of the annexation.

ENTERED
12-6-04
JT

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 04-1222 ANNEXING TO THE CITY OF FAYETTEVILLE, ARKANSAS, CERTAIN PROPERTY OWNED BY DORIS FAYE ROBERTS LOCATED AT THE SOUTH END OF ROBERTS ROAD CONTAINING APPROXIMATELY 47.13 ACRES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. The official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. One.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By:_____
Dan Coody, Mayor

ATTEST:

By:_____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 04-1222

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE FRACTIONAL NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER ALL IN SECTION NINETEEN (19), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY NINE (29) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NE ¼, SW ¼, SAID POINT BEING A FENCE CORNER POST; THENCE SOUTH 02°48'58" WEST-1319.26 FEET TO THE SOUTHEAST CORNER OF SAID NE ¼, SW ¼; THENCE CONINUING SOUTH 02°48'58" WEST-374.03 FEET; THENCE SOUTH 62°50'13" WEST-442.88 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE THE FOLLOWING: NORTH 21°29'33" EAST-5.11 FEET; THENCE NORTH 28°14'41" EAST-147.59 FEET; THENCE NORTH 34°12'43" EAST-87.33 FEET; THENCE NORTH 01°07'38" EAST-36.74 FEET; THENCE NORTH 16°43'40"WEST-36.79 FEET; THENCE NORTH 03°02'55" EAST-66.54 FEET; THENCE NORTH 26°12'26" EAST-52.57 FEET; THENCE NORTH 04°01'57" WEST-41.85 FEET; THENCE NORTH 49°50'35" WEST-39.27 FEET; THENCE NORTH 22°02'56" WEST-39.91 FEET; THENCE NORTH 07°15'43" EAST-95.90 FEET; THENCE LEAVING SAID CENTERLINE NORTH 87°03'06" WEST-1,008.35 FEET TO THE SOUTHWEST CORNER OF SAID NE ¼, SW ¼; THENCE CONTINUING NORTH 87°03'06" WEST-1008.35 FEET TO THE WEST 448.02 FEET; NORTH 02°48'02"EAST-752.12 FEET, SAID POINT LYING IN THE CENTERLINE OF GOFF FARM ROAD; THENCE NORTH 58°55'30" EAST-539.81 FEET; THENCE SOUTH 02°48'33" WEST-241.62 FEET; THENCE SOUTH 87°19'12" EAST-209.95 FEET; THENCE SOUTH 02°46'33" WEST-79.00 FEET; THENCE SOUTH 87°19'12" EAST-210.02 FEET; THENCE NORTH 02°32'16" EAST-576.27 FEET TO A FENCE CORNER POST ON THE NORTH LINE OF SAID NE ¼, SW ¼; THENCE ALONG SAID LINE SOUTH 87°31'41" EAST-902.17 FEET TO THE POINT OF BEGINNING, CONTAINING 47.13 ACRES, MORE OR LESS.

Fayetteville
ARKANSAS

PC Meeting of November 22, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: November 17, 2004

ANX 04-1222: Annexation (DORIS ROBERTS, 608): Submitted by BRAD BRUNS for property located at THE SOUTH END OF ROBERTS ROAD. The property is in the Planning Area and contains approximately 47.13 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: DORIS FAYE ROBERTS Planner: JEREMY PATE

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

PLANNING COMMISSION ACTION:	**Required** **YES**	
	○ Approved	**○ Denied**
Date: November 17, 2004		
CITY COUNCIL ACTION:	**Required** **YES**	
	○ Approved	**○ Denied**
Date: December 07, 2004		

BACKGROUND:

Property description: The subject property contains approximately 47.13 acres of agricultural property located south of Huntsville Road, south and east of Roberts Road/Goff Farm Road. Stonebridge Meadows Subdivision I is not far to the west, and Phases II and III adjoin the property to the west and south. Bridgedale Subdivision is located just north and west of the property, and the remaining surrounding property is developed with single family homes and agricultural land. The subject tract is surrounded on the north and east by land in the Planning Area, on the south by land zoned RSF-4, and property to the east both in the Planning Area, zoned R-A, and zoned RSF-4. Floodway and floodplain from a West Fork of the White River tributary is located on the easternmost portion of the site.

Stonebridge Meadows S/D II and III are subdivisions within the City of Fayetteville directly to the south and west, currently under construction. Adjacent to the south boundary of the subject property is a 15-acre tract intended for future elementary school and city park use. Approximately 5.45 acres is approved to be dedicated for a city park along the West Fork, with the remaining land area to be developed in the future.

Request: The request is to annex the subject property into the City of Fayetteville.

Related Issues: When property is annexed into the City, it is annexed as R-A, Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 47.13 acres to RSF-4, Residential Single Family, 4 Units per Acre. The rezoning request, RZN 04-1280, is an accompanying item to this annexation request.

Property that is developed and/or subdivided in the Planning Area of the City of Fayetteville, outside of the city limits, does not allow for the enforcement of many regulations required within the City. When property that is consistent with the General Plan 2020 and the City's guiding policy of annexation is incorporated into the city and developed, a uniform and consistent standard of development includes the following:

- Compatibility in land use and development standards
- Ability to plan future capital improvements
- Ability to require the same level of infrastructure improvements required for new development within these areas as required within the City
- Less confusion for public safety – police and fire – who responds
- Police Protection
- Fire Protection
- Trash Service
- Sewer service
- Water service
- Street standards (curb and gutter) and construction specifications
- Sidewalks, based on the Master Street Plan
- Street lights
- Grading and Drainage review
- Detention
- Zoning Regulations (setbacks, bulk and area requirements, land use)
- Code enforcement
- Tree Preservation
- Parks land dedication

Without appropriate annexation, developers of property in the Planning Area are offered water service from the City of Fayetteville, but have none of the other regulatory responsibilities for development. Many of the public services offered to citizens of Fayetteville in adjacent properties are not offered to those beyond the city limits. In some cases, new subdivisions adjacent to one another have very different street construction, creating problems with transition and the establishment of an efficient network of infrastructure. Property that develops directly adjacent to the city limits is

required to develop within City specifications for street construction. However, other requirements such as parks, detention, grading and drainage, zoning/land use and tree preservation are not within the City's ability to control.

Recommendation: Staff recommends approval of the proposed annexation. Should the annexation request be approved, future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family homes, agricultural use	Planning Area
South	Stonebridge Meadows S/D II, III, parkland, potential future school property	RSF-4, Residential Single Family, 4 units/acre
East	West Fork of the White River, agricultural land	Planning Area
West	Single family residential, golf course, agricultural	RSF-4, Residential Single Family, 4 units/acre, R-A, Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Goff Farm Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Roberts Road to the north will need to be improved to a 20' minimum paved surface. Specific street improvements will be evaluated based on the development proposed, to meet ordinance requirements.

Water: The site currently does have access to public water. The nearest water main is a 6" main to the north along Goff Farm Road and Roberts Road. Water service will need to be extended within the property at the time of development.

Sewer: The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 6" sewer main to the north, and an 8" main to the west in the Stonebridge Meadows Subdivision. A capacity analysis of the sewer lines downstream of the site shall be conducted prior to development.

Fire: The subject property is located 3.4 miles from Fire Station #5. Normal driving time is 8-9 minutes. The property is located 2.5 miles from the future Fire Station #3. Normal driving time is 5-6 minutes.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: General Plan 2020 designates this site as **Residential.**

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will not create an island of unincorporated property; The City limits extend further south and west of the subject property in this vicinity.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the city limits along its west and south boundaries.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not divide neighborhoods. A new subdivision is under construction to the south (Stonebridge Meadows II/III); the portion of this subdivision along the south border of the subject property is designated as parks land and potential land for a future elementary school.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of 8 to 9 minutes for fire protection from Fire Station #5 and 5 to 6 minutes from the future Fire Station #3. The property has access to a 6" water main to the west. An extension of the water main will be required to provide water supply and fire protection within any development on this property. The City Council at its Nov. 16 meeting voted 7-1 in favor of the purchase of the Tyson Facility on Huntsville Road for emergency service purposes. Imminent plans include a new fire station to serve this area of town, a funded and planned project.

Sewer service is being extended for development in the area; the site does not currently have direct access to this service and in order to develop will be extending sewer lines to the property in accordance with city ordinance.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **Floodplain and floodway associated with the West Fork of the White River is located along the eastern and south boundary of the property. This site's conditions will be best addressed through application of the City's stormwater, grading, and drainage regulations.**

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **Water and sewer lines are accessible in the near vicinity. The police department reports that current levels of service would not be compromised and that coverage in this area can be provided for this request, though the impact from a sum total of increase in population density has caused an increase in service calls. Fire service may also be provided to the site with current and projected fire stations.**

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **Fire and police service are to be provided to this area with the same level of response and service as other developments in this area. Sewer and water improvements to the area in general will be provided for with the development of the property in question.**

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: **These factors were taken into consideration in the responses and recommendations from public service providers included in this report.**

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: **Water, fire and police protection are currently provided in this area.**

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. As it exists currently, annexation of the property would not require the upgrading of utilities, unless and until additional development that increases the demand on public services is proposed.**

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **The proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: **N/A**

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: **N/A**

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned R-A, Residential Agricultural. The applicant is requesting to rezone to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with surrounding developed property and the Residential classification of the area on the City's adopted Future Land Use Plan.**

11.6.p An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request.**

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: **At the time the owner desires to develop or subdivide this property, the applicant will be required to submit a proposal for review and approval by the Planning Commission.**

11.6.r Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: **This annexation of this property will create acceptable boundary for the City of Fayetteville, avoiding the creation of any island or peninsula.**

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: **A fiscal impact assessment has not been conducted for this property.**

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
11.6.d Boundaries for annexed areas should follow natural corridors.
11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

11.6.g Public services must be able to be provided efficiently in newly annexed areas.
11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

11.6.j Areas currently served by utilities and other public services should be annexed.
11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

11.6.m Promote long-range planning with adjacent jurisdictions.
11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

11.6.o Designate zoning districts for the property during the annexation process.
11.6.p An annexation study should be completed on all annexation proposals.
11.6.q Development proposals require a separate review from the annexation proposals.
11.6.r Residents should be fully informed of annexation activities.
11.6.w Encourage larger annexations to create acceptable boundaries.
11.6.t Conduct a fiscal impact assessments on large annexations.

FAYE.TEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

November 15, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Annexation **ANX 04-1222(Doris Roberts, pp 608)** and Rezoning **RZN 04-1280(Doris Roberts, pp 608)** submitted by Brad Bruns for property located at the south end of Roberts Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

Lieutenant William Brown
Fayetteville Police Department

.YETTEVILLE POLICE DEPARTMENT
). BOX 1988
.YETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 479-587-3555 FAX: 479-587-3522

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
ANX 04-1222	Roberts	Yes	47.13	FS 5	3.4 miles	8-9 minutes	8-10 minutes			
RZN 04-1280	Roberts			FS 5	3.4 miles	8-9 minutes	8-10 minutes	43	17	26
RZN 04-1293	~~Mathias~~			FS 6	1.6 miles	3 minutes	3 minutes	5	2	3
RZN 04-1294	~~Mathias~~			FS 6	1.1 miles	2 minutes	2 minutes	N/A	N/A	N/A

August 24, 2004

To: City Planning Office

This letter is written to give you notice that Mr. Brad Bruns, Realtor with Griffin Company Realtors, and Mr. Mark Van Pelt, Attorney for Cyprus, Crouch, Clark and Harwell, both have my permission to represent me at the Annexation hearings and process to annex my 48 acres on Roberts Road into the City of Fayetteville.

Doris F. Roberts

Doris Faye Roberts

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AUG 26 2004
CITY OF FAYETTEVILLE
PLANNING DIVISION

FILED
'04 JUL 19 PM 3 41
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

DORIS F. ROBERTS, TRUSTEE
of the Doris Faye Robers Trust u/d 10-16-98 **PETITIONER**

NO. CC 2004 28

PETITION FOR ANNEXATION

Come now the Petitioner, Doris F. Roberts, Trustee of the Doris Faye Roberts Trust u/d dated 10-16-98, and for her petition herein alleges and states as follows:

1. That Petitioner is the record title holder of a parcel of real estate contiguous to and adjoining the City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

> A part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and a part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and a part of the Fractional Northwest Quarter (NW¼) of the Southwest Quarter all in Section Nineteen (19), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:
>
> Beginning at the Northeast Corner of said NE¼, SW¼, said point being a fence corner post; thence South 02°48'58" West - 1,319.26 feet to the Southeast corner of said NE¼, SW¼; thence continuing South 02°48'58" West - 374.03 feet; thence South 62°50'13" West - 442.88 feet to the centerline of a creek; thence along said centerline the following: North 21°29'33" East - 5.11 feet; thence North 28°14'41" East - 147.59 feet; thence North 34°12'43" East - 87.33 feet; thence North 01°07'38" East - 36.74 feet; thence North 16°43'40" West - 36.79 feet; thence North 03°02'55" East - 66.54 feet; thence North 26°12'26" East - 52.57 feet; thence North 04°01'57" West - 41.85 feet; thence North 49°50'35" West - 39.27 feet; thence North 22°02'56" West - 39.91 feet; thence North 07°15'43" East - 95.90 feet; thence leaving said centerline North 87°03'06" West - 1,008.35 feet to the Southwest Corner of said NE¼, SW¼; thence continuing North 87°03'06" West 448.02 feet; North 02°48'02" East - 752.12 feet, said point lying in the centerline of Goff Farm Road; thence North 58°55'30" East - 539.81 feet; thence South 02°48'33" West - 241.62 feet; thence South 87°19'12" East - 209.9[illegible] feet;

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AUG 26 2004
CITY OF FAYETTEVILLE

thence South 02°46'33" West - 79.00 feet; thence South 87°19'12" East - 210.02 feet; thence North 02°32'16" East - 576.27 feet to a fence corner post on the North line of said NE¼, SW¼; thence along said line South 87°31'41" East - 902.17 feet to the POINT OF BEGINNING, containing 47.13 acres, more or less.

2. That the above described property is situated in Washington County, Arkansas, and the Petitioner owns all of the above described land and desires to have the above described property annexed to the City of Fayetteville, Washington County, Arkansas, and authorizes the firm of Cypert, Crouch, Clark and Harwell, or their agents, of Springdale, Arkansas to act on her behalf to prepare and file any pleadings, publish any notices, and make any appearance before this or any other court, or to perform any other service required to effect such annexation.

3. Attached hereto is a plat showing the subject property with reference to the boundary line of the City of Fayetteville, Arkansas.

WHEREFORE, petitioner prays that this court set a date for a hearing on this petition, not less than 30 days after the date of filing herein, and that at such hearing this court enter its order granting the petition annexing the above described land to the City of Fayetteville, Arkansas.

DORIS F. ROBERTS, TRUSTEE
of the Doris Faye Roberts Trust u/d dated 10-16-98

Petitioner

CYPERT, CROUCH, CLARK & HARWELL
Her Attorneys
111 Holcomb Street
P.O. Box 1400
Springdale, AR 72765-1400
479/ 751-5222

Marcus W. Van Pelt, ABA #94021

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

DORIS F. ROBERTS, TRUSTEE
of the Doris Faye Robers Trust u/d 10-16-98

PETITIONER

FILED
'04 AUG 23 AM 10 47
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

NO. CC 2004- 28

ORDER OF ANNEXATION

On this 23rd day of August, 2004, comes on to be heard the petition of the owner of the following described property in Washington County for its annexation to the City of Fayetteville, Arkansas:

A part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and a part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and a part of the Fractional Northwest Quarter (NW¼) of the Southwest Quarter all in Section Nineteen (19), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Beginning at the Northeast Corner of said NE¼, SW¼, said point being a fence corner post; thence South 02°48'58" West - 1,319.26 feet to the Southeast corner of said NE¼, SW¼; thence continuing South 02°48'58" West - 374.03 feet; thence South 62°50'13" West - 442.88 feet to the centerline of a creek; thence along said centerline the following: North 21°29'33" East - 5.11 feet; thence North 28°14'41" East - 147.59 feet; thence North 34°12'43" East - 87.33 feet; thence North 01°07'38" East - 36.74 feet; thence North 16°43'40" West - 36.79 feet; thence North 03°02'55" East - 66.54 feet; thence North 26°12'26" East - 52.57 feet; thence North 04°01'57" West - 41.85 feet; thence North 49°50'35" West - 39.27 feet; thence North 22°02'56" West - 39.91 feet; thence North 07°15'43" East - 95.90 feet; thence leaving said centerline North 87°03'06" West - 1,008.35 feet to the Southwest Corner of said NE¼, SW¼; thence continuing North 87°03'06" West 448.02 feet; North 02°48'02" East - 752.12 feet, said point lying in the centerline of Goff Farm Road; thence North 58°55'30" East - 539.81 feet; thence South 02°48'33" West - 241.62 feet; thence South 87°19'12" East - 209.95 feet; thence South 02°46'33" West - 79.00 feet; thence South 87°19'12" East - 210.02 feet; thence North 02°32'16" East - 576.27 feet to a fence corner post on the North line of said NE¼, SW¼; thence along said line South 87°31'41" East - 982.17 feet to the POINT OF BEGINNING, containing 47.13 acres, more or less

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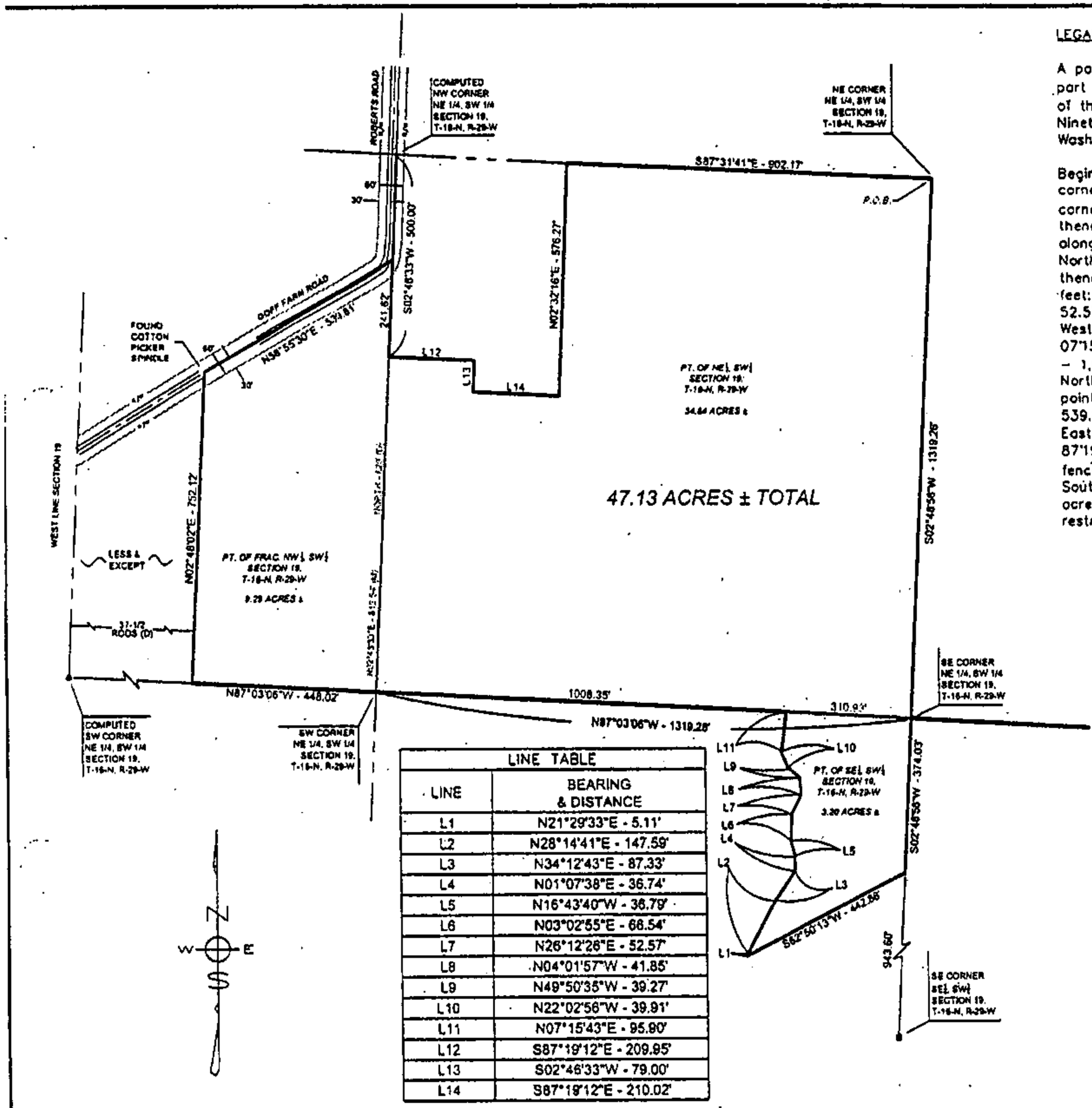
CITY OF FAYETTEVILLE
PLANNING DIVISION

and it appearing to the court that notice of this hearing has been given for three consecutive weeks by publication in The Morning News, a newspaper of general circulation in the County, as provided by law; that the territory proposed to be annexed is accurately described in said petition and the plat attached hereto is declared to be the plat of said property and said property should be annexed to the City of Fayetteville, Washington County, Arkansas, as prayed.

NOW THEREFORE, IT IS BY THE COURT CONSIDERED AND ORDERED that the territory hereinabove described be and is hereby annexed to the City of Fayetteville, Washington County, Arkansas, and that the petitioners pay the cost of this proceeding and that the plat attached hereto is declared to be the plat of the property annexed.

County Judge

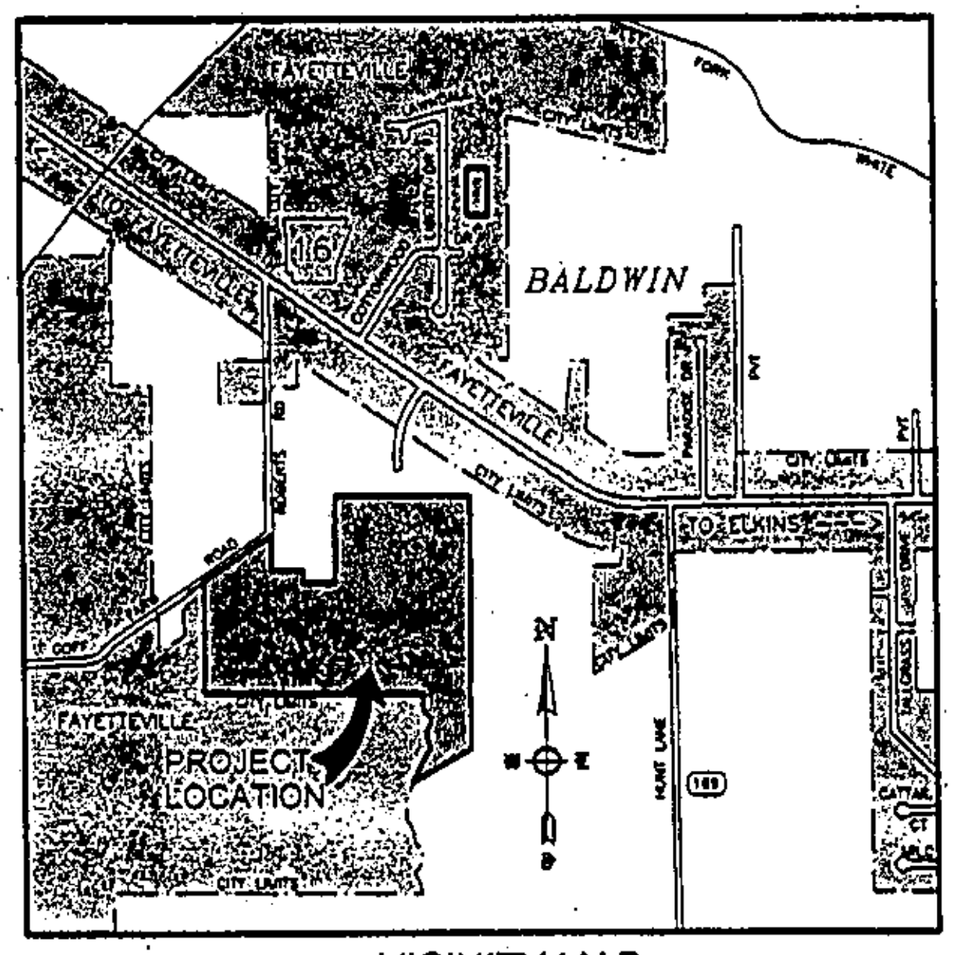


LINE TABLE	
LINE	BEARING & DISTANCE
L1	N21°29'33"E - 5.11'
L2	N28°14'41"E - 147.59'
L3	N34°12'43"E - 87.33'
L4	N01°07'38"E - 36.74'
L5	N16°43'40"W - 36.79'
L6	N03°02'55"E - 66.54'
L7	N26°12'26"E - 52.57'
L8	N04°01'57"W - 41.85'
L9	N49°50'35"W - 39.27'
L10	N22°02'56"W - 39.91'
L11	N07°15'43"E - 95.90'
L12	S87°19'12"E - 209.95'
L13	S02°46'33"W - 79.00'
L14	S87°19'12"E - 210.02'

LEGAL DESCRIPTION:

A part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and a part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and a part of the Fractional Northwest Quarter (NW¼) of the Southwest Quarter all in Section Nineteen (19), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Beginning at the Northeast Corner of said NE¼, SW¼, said point being a fence corner post; thence South 02°48'58" West - 1,319.26 feet to the Southeast corner of said NE¼, SW¼; thence continuing South 02°48'58" West - 374.03 feet; thence South 62°50'13" West - 442.88 feet to the centerline of a creek; thence along said centerline the following: North 21°29'33" East - 5.11 feet; thence North 28°14'41" East - 147.59 feet; thence North 34°12'43" East - 87.33 feet; thence North 01°07'38" East - 36.74 feet; thence North 16°43'40" West - 36.79 feet; thence North 03°02'55" East - 66.54 feet; thence North 26°12'26" East - 52.57 feet; thence North 04°01'57" West - 41.85 feet; thence North 49°50'35" West - 39.27 feet; thence North 22°02'56" West - 39.91 feet; thence North 07°15'43" East - 95.90 feet; thence leaving said centerline North 87°03'06" West - 1,008.35 feet to the Southwest Corner of said NE¼, SW¼; thence continuing North 87°03'06" West 448.02 feet; North 02°48'02" East - 752.12 feet, said point lying in the centerline of Goff Farm Road; thence North 58°55'30" East - 539.81 feet; thence South 02°48'33" West - 241.62 feet; thence South 87°19'12" East - 209.95 feet; thence South 02°46'33" West - 79.00 feet; thence South 87°19'12" East - 210.02 feet; thence North 02°32'16" East - 576.27 feet to a fence corner post on the North line of said NE¼, SW¼; thence along said line South 87°31'41" East - 902.17 feet to the POINT OF BEGINNING, containing 47.13 acres, more or less, and subject to easements, rights-of-way, and/or restrictions of record, if any.



VICINITY MAP

ANNEXATION
DORIS FAYE ROBERTS TRUST
WASHINGTON COUNTY, ARKANSAS

0 150 300 600

SCALE 1" = 300'

ENGINEERING SERVICES INCORPORATED
CONSULTING ENGINEERS AND SURVEYORS
1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72765

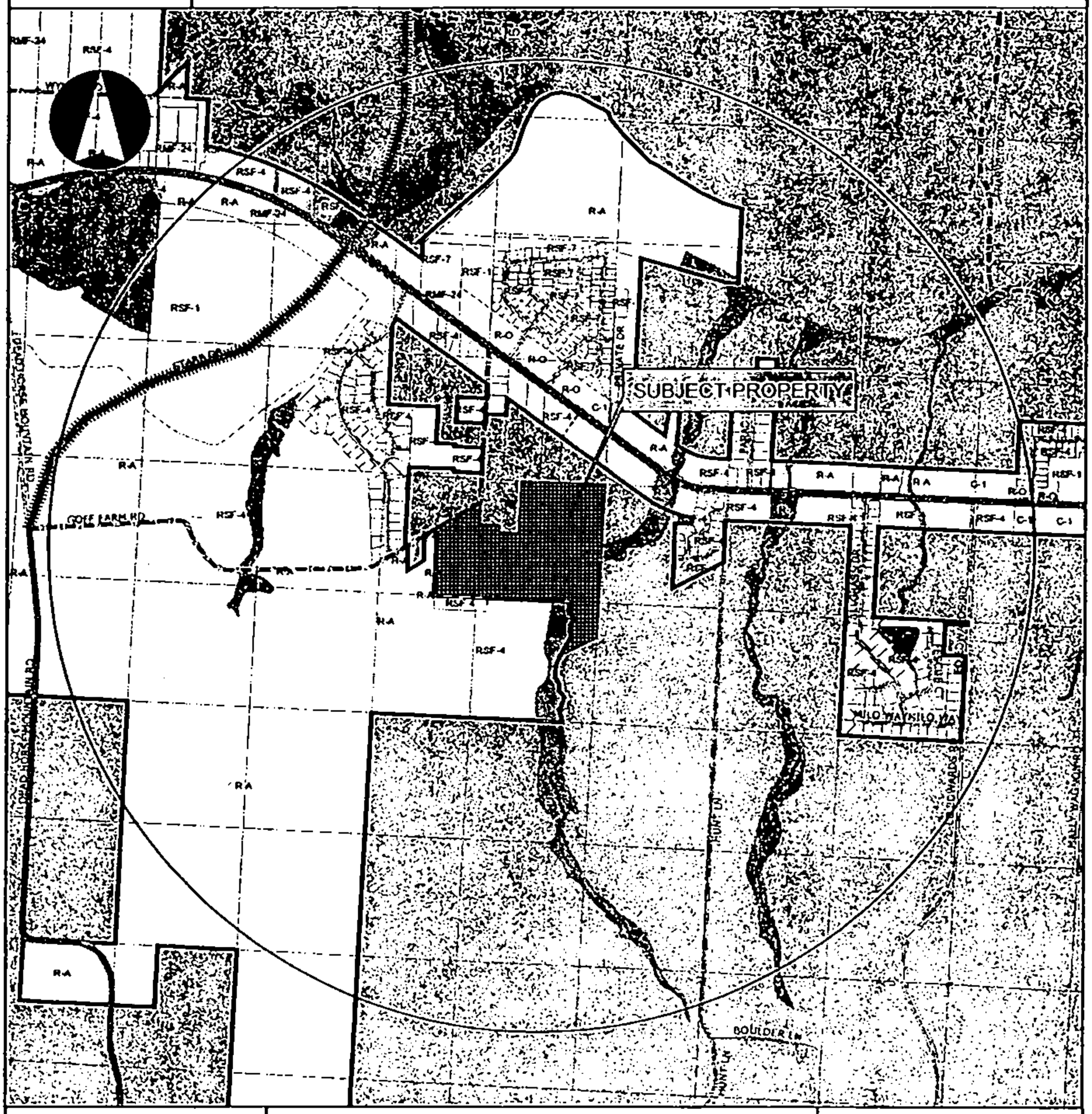
© COPYRIGHT 2004, ENGINEERING SERVICES, INC. 06-15-04, 1:54 PM
\a\SUBD\Riggins\Highway 16 by Stonebridge\Riggins Annexation.dwg

ANX 04-12 (Doris Roberts)
Page 20 of 24

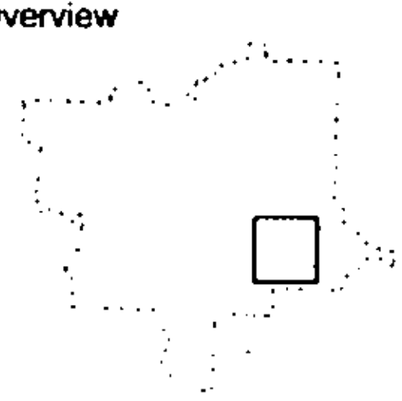
ANX04-1222

One Mile View

DORIS ROBERTS



Overview



Legend

Subject Property

ANX04-1222

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

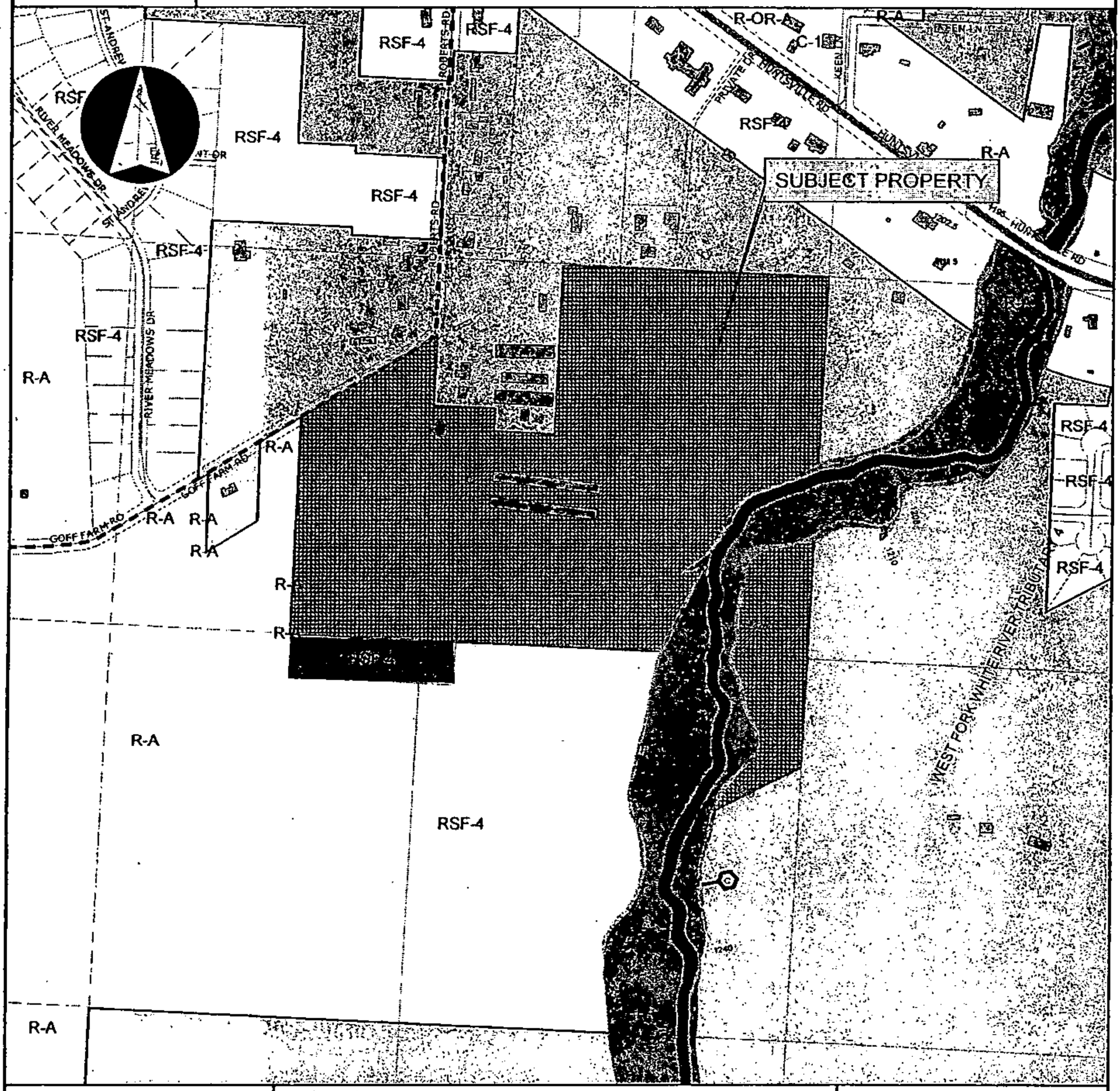
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

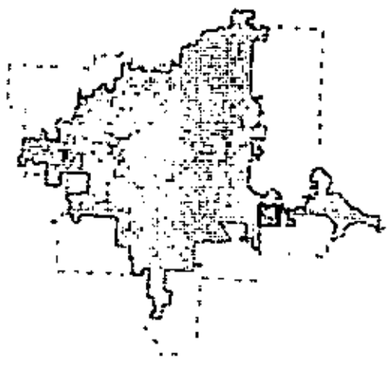
ANX04-1222

Close Up View

DORIS ROBERTS



Overview



Legend

Overlay District	Principal Arterial	FLOODWAY
Master Street Plan	Minor Arterial	100 YEAR
Master Street Plan	Collector	500 YEAR
Freeway/Expressway	Historic Collector	LIMIT OF STUDY
		BaseLine Profile
		ANX04-1222
		Fayetteville
		Outside City

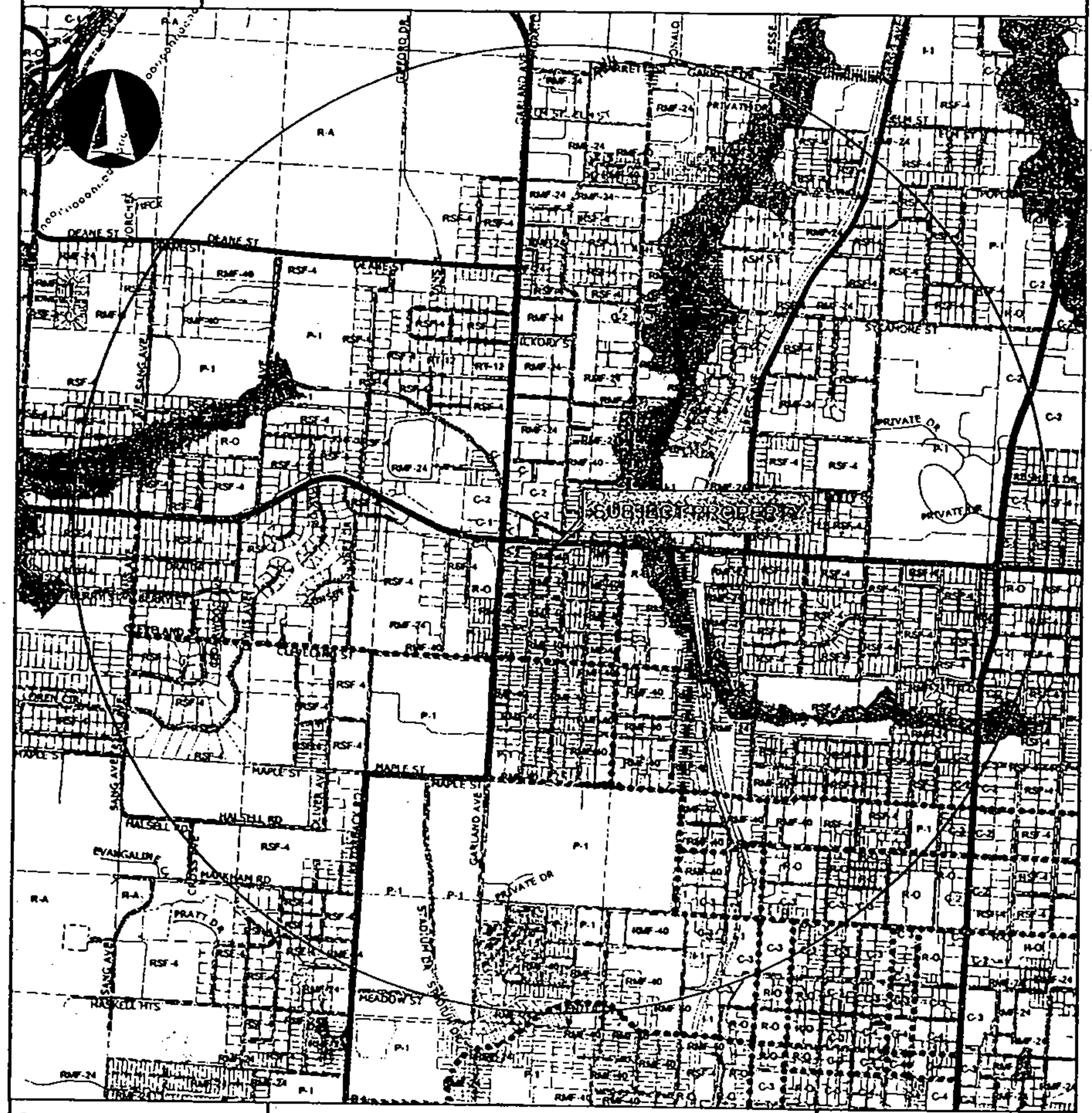
0 200 400 800 1,200 1,600

Feet

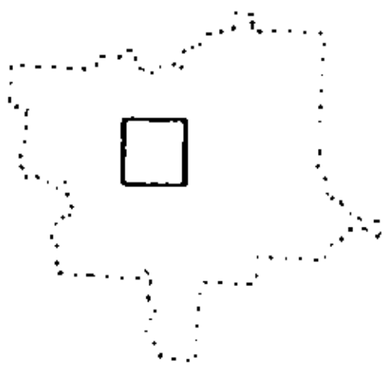
VAC04-1279

One Mile View

PEARSON



Overview



Legend

Subject Property

VAC04-1279

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

November 22, 2004
Planning Commission
VAC 04-1279 (Pearson)
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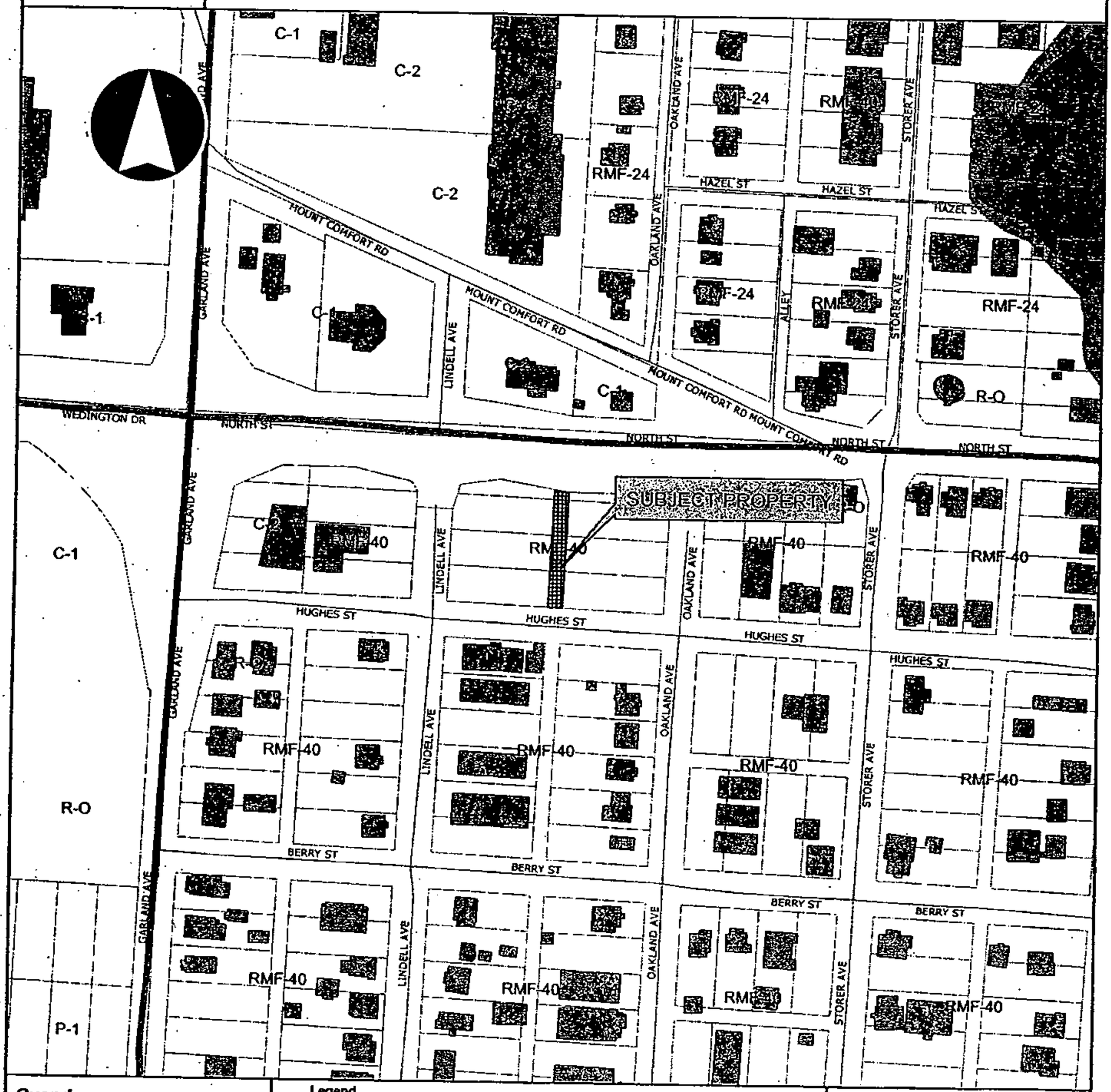
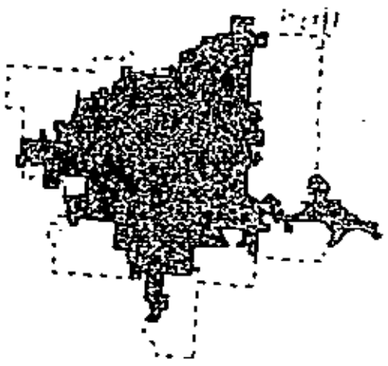
VAC04-1279

Close Up View

PEARSON



Overview



Legend

- Overlay District
- Master Street Plan
- Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- VAC04-1279
- Fayetteville
- Outside City

0 75 150 300 450 600 Feet

November 22, 2004
Planning Commission
VAC 04-1279 (Pearson)
Page 8.9

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Dawn T. Warrick	Planning	Operations
Submitted By	Division	Department

Action Required:

Approval of an ordinance vacating an alley located between Hughes and North Street, mid block between Lindell and Oakland.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [ ]

Department Director — 12-3-04 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 12-6-04 Date

Received in City Clerk's Office

Mayor — 12/7/04 Date

Received in Mayor's Office 12/6/04 P.H.

Comments:

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Community Planning and Engineering Services Director
DATE: December 3, 2004
SUBJECT: **ADM 04-1303: Administrative Item - Amendment to Chapter 166.04 of the Unified Development Code to require City street standards within one mile of the City limits in the Planning Area.**

RECOMMENDATION

Staff recommends amending Chapter 166.04 to require City street standards for subdivisions within one mile of the City Limits.

BACKGROUND

The City continues to experience significant subdivision development within the adopted Planning Area. Under A.C.A. 14-56-413 and 417, the City has the authority to regulate the subdivision of land and require on-site improvements (see attached). The current subdivision regulations allow for County standards to be utilized when designing and constructing new subdivisions in the Planning Area.

Washington County Judge, Jerry Hunton, has authorized cities to utilize their City street standards for subdivisions within one mile of the City limits.

Additional engineering review and inspection will be required by the City in order to implement this change.

BUDGET IMPACT

Additional staffing may be required to implement this amendment (Staff Review Engineer and Public Work Inspector) and will be evaluated over the next year with regard to potential impacts on overtime and plan review time.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: §166.04, UNIFIED DEVELOPMENT CODE, OF THE FAYETTEVILLE CODE OF ORDINANCES, TO REQUIRE CITY STREET STANDARDS FOR SUBDIVISIONS WITHIN ONE (1) MILE OF THE CITY LIMITS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That §166.04, Unified Development Code, of the Fayetteville Code of Ordinances is hereby repealed, and Exhibit "A" attached hereto and made a part hereof is inserted in its stead.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

14-56-413. Territorial jurisdiction.

(a)(1)(A) The territorial jurisdiction of the legislative body of the city having a planning commission, for the purpose of this subchapter, shall be exclusive and shall include all land lying within five (5) miles of the corporate limits.

(B) If the corporate limits of two (2) or more municipalities of the first or second class are less than ten (10) miles apart, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.

(2)(A) Cities now having eight thousand (8,000) population or more and situated on navigable streams shall have the authority to administer and enforce planning and zoning ordinances outside their corporate limits as follows:

(i) For cities of eight thousand (8,000) to fifty thousand (50,000) population, the jurisdictional area will be one (1) mile beyond the corporate limits;

(ii) For cities of fifty thousand (50,000) to one hundred fifty thousand (150,000) population, the jurisdictional area will be two (2) miles beyond the corporate limits;

(iii)(a) For cities of one hundred fifty thousand (150,000) population and over, the jurisdictional area will be three (3) miles beyond the corporate limits.

(b) Upon July 3, 1989, no city with a population in excess of one hundred fifty thousand (150,000) persons and which is situated on a navigable stream shall exercise any zoning authority outside the boundaries of the county wherein it is located without the approval of the quorum court of the county wherein the city is not located and the approval of the governing bodies of all other cities having zoning authority over the area.

(B) The city populations will be based on the latest available United States census data.

(C) The provisions of subdivision (a)(2) of this section shall not restrict the powers of any city currently exercising the authority authorized under this subdivision.

(b)(1) The planning commission shall designate the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations.

(2) A description of the boundaries of the area shall be filed with the city clerk and with the county recorder.

History. Acts 1957, No. 186, §§ 3, 5; 1965, No. 134, § 1; 1965, No. 138, § 1; A.S.A. 1947, §§ 19-2827, 19-2829; Acts 1987, No. 56, §§ 1, 4; 1989, No. 94, § 1.

14-56-412. Powers and duties of commission.

(a) **Generally.** The planning commission shall have the duty and function of promoting public interest in, and understanding of, the long-term coordinated municipal planning.

(b) **Comprehensive Studies.** The commission shall prepare a work program and make comprehensive studies of the present conditions and the probable future growth of the municipality and its neighboring territory.

(c) **Planning Area Map.** The commission shall prepare and maintain a map showing the general location of streets, public ways, and public property and the boundaries of the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations. The map shall be known as the planning area map.

14-56-417. Regulations to control development of land.

(a)(1) Following adoption and filing of a master street plan, the commission may prepare and shall administer, after approval of the legislative body, regulations controlling the development of land.

(2) The development of land includes, but is not limited to:

(A) The provision of access to lots and parcels;

(B) The extension or provision of utilities;

(C) The subdividing of land into lots and blocks; and

(D) The parceling of land resulting in the need for access and utilities.

(b)(1) The regulations controling the development of land may establish or provide for the minimum requirements as to:

(A) Information to be included on the plat filed for record;

(B) The design and layout of the subdivision, including standards for lots and blocks, street rights-of-way, street and utility grades, and other similar items; and

(C) The standards for improvements to be installed by the developer at his own expense such as street grading and paving; curbs, gutters, and sidewalks; water, storm and, sewer mains; street lighting; and other amenities.

History. Acts 1957, No. 186, § 5; 1965, No. 134, § 1; A.S.A. 1947, § 19-2829.

DRAFT: AMENDMENT TO CHAPTER 166.04 OF THE UNIFIED DEVELOPMENT CODE

166.04 Required On-Site Improvements – Subdivisions In Planning Area

(A) *Requirements.* Before the Planning Commission may grant final plat approval for a subdivision located within the city's designated planning area, the subdivider shall have installed, or shall have made a guarantee of in lieu of installation, as provided by Chapter 158, either at his expense or in accordance with the existing policy of the city, the following improvements:

(1) *Monuments.* Reinforced concrete monuments 4 inches x 4 inches x 30 inches at quarter section corners and subdivision corners.

(2) *Lot stakes.* Metal stakes 1/2 inch x 30 inches at all lot corners, points of tangency, points of curvature and angles in property lines or easements.

~~(3) *Streets.* Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.~~

(3) Streets.

(a) Within One Mile of City Limits. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

(b) Beyond One Mile of City Limits. Streets shall meet Washington County Standards.

~~(4) *Curbs and gutters.* Curbs and gutters according to existing city standards and specifications as adopted by the City Council.~~

(4) Curbs and gutters.

(a) Within One Mile of City Limits. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.

(b) Beyond One Mile of City Limits. Curbs and gutters shall meet Washington County Standards.

(5) Sidewalks. Sidewalks shall be installed within one mile of City Limits according to existing city standards and specifications as adopted by the City Council. The construction of all sidewalks shall be inspected by the City Engineer or his designee to ensure compliance with city specifications. The developer shall guarantee the sidewalk installation according to §158.01.

(6) Streetlights. Standard 8,000 lumen streetlights shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac within one mile of the City Limits at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets.

(7) *Grading and storm drainage system.*

(a) The subdivider shall install storm drainage facilities, including drains, sewers, catch basins, and culverts necessary for the proper drainage of all surface water.

(b) All drainage facilities shall be so designed to serve the entire drainage area.

(c) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches approved by the City Engineer.

(d) The City Engineer shall approve all drainage features.

(8) *Culverts and bridges.* Culverts and bridges shall be installed where needed in accordance with existing Arkansas State Highway Department standards and specifications.

(9) *Water supply.*

(a) *Accessible public water supply.* When an approved public water supply is reasonably accessible, the subdivider shall install a system of water mains and shall connect to such supply so that each lot within the subdivision shall be provided with a connection to said public water supply. All connections shall be approved by the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(b) *Nonaccessible public water supply.* Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the

DRAFT: AMENDMENT TO CHAPTER 166.04 OF THE UNIFIED DEVELOPMENT CODE

subdivider must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(10) *Sanitary sewer system.*

(a) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.

(b) *Public sanitary sewer not accessible.* Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department standards and regulations; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than one and one-half acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions and lot splits. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed on record prior to July 5, 1977.

State law reference(s)–"Arkansas Sewage Disposal Systems Act," A.C.A. §14-236-101 et seq.

(11) Off-site Improvements. Cross Reference 166.07(A)(2).

~~(B) *Exceptions to required improvements, for subdivisions in the planning area.*~~

~~(1) The following improvements shall not be required in a subdivision in the planning area which is not adjacent to the city's corporate limits. Where the installation of said improvements is not necessary to conform with existing development in the general neighborhood of the proposed subdivision:~~

~~(a) Street paving according to existing city standards and specifications as adopted by the City Council.~~

~~(b) Curbs and gutters according to existing city standards and specifications as adopted City Council.~~

~~(c) Storm drainage facilities, provided where storm drainage facilities are not required, the subdivider shall be required to install stabilized shoulders at least four feet wide and a sodded drainage swale at least five feet wide and 12 inches deep with a slope of three to one on the street side and at least two to one on the other side.~~

~~(2) Where city standards and specifications are not required, county standards and specifications shall apply.~~

~~(Code 1965, App. C, Art. III, § A(2)-(3); Ord. No. 1079, 2-5-74; Ord. No. 2363, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§ 159.31, 159.32; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00)~~

~~**Cross reference(s)**– Bonds and Guarantees, Ch. 158.~~

FILED

'01 MAY 24 PM 2 43

[illegible] EDWARDS
[illegible] CLERK
[illegible] ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF ROAD SPECIFICATIONS FOR WASHINGTON COUNTY

ORDER

NOW, on this 22nd day of May, 2001, comes on for hearing of the above styled proceedings and the Court, being well and sufficiently advised in the premises, finds:

WHEREAS, the Washington County Quorum Court has over the years duly passed various planning regulations, including specifications for roads, for any land development in Washington County; and

WHEREAS, the regulations have been agreed to by the County Judges over the years; and,

WHEREAS, both the Arkansas Supreme Court and the Arkansas Attorney General have stated categorically that roads and matters related thereto fall within the province of the County Court and any regulations by the Quorum Court or a city that infringes on the County Court's exercise of its jurisdiction must give way to the County Court; and

WHEREAS, as a part of its planning regulations pertaining to roads, it is the County's policy to impose the standards of a particular city, if within its territorial jurisdiction as granted by law, and if said standards exceed those of the County; and,

WHEREAS, there is rapid population growth in the County, particularly close to the city limits of cities located in Washington County.

NOW, THEREFORE, IT IS ORDERED:

1. The County Court does hereby expressly adopt and approve said regulations pertaining to roads and authorizes the Washington County Planning Board to administer such subject to appeal as provided by law.

2. The specifications of the particular cities regarding roads are hereby adopted within one (1) mile of the cities' limits; if said specifications exceed those of the County.

This shall apply only to division of land under the control of the cities pursuant to State law.

3. The remainder of the County shall be governed by the County road specifications.

IT IS SO ORDERED.

JERRY HUNTON, County Judge

2001-76

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Tim Conklin	Planning & Development Mgmt.	Operations
Submitted By	Division	Department

Action Required:

Approval of an ordinance amending Chapter 166.04 of the Unified Development Code to require City street standards for subdivisions within one mile of the City Limits.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 12-3-04 Date

City Attorney 12-6-04 Date

Mayor 12/7/04 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office

Received in Mayor's Office

Comments:

ENTERED 12-6-04

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Director of Planning and Development Management
DATE: December 3, 2004
SUBJECT: Public hearing and approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan

---

RECOMMENDATION

Staff recommends approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan following the required public hearing on the proposed boundary and project plan (Please see attached Project Plan and District Boundary).

BACKGROUND

The proposed boundary of the Downtown Master Plan Redevelopment District includes the remaining area of the Downtown Master Plan boundary excluding the area that is within the Highway 71/East Square Redevelopment District No. 1 and a small portion located within the proposed South Fayetteville TIF. The district contains approximately 227 acres and is west of the Highway 71/East Square Redevelopment District.

The proposed project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas as shown in the adopted Downtown Master Plan

2. Improvements to the streetscape in the target area based upon the conceptual street cross sections in the adopted Downtown Master Plan

3. Continuation of trail corridors and development of the trail system based on the Fayetteville Alternative Transportation Plan

4. The location and construction of necessary infrastructure to support the Cultural and Arts District

ORDINANCE NO. _____

AN ORDINANCE FORMING THE DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT NUMBER TWO PURSUANT TO AMENDMENT 78 OF THE ARKANSAS CONSTITUTION AND AUTHORIZING THE PREPARATION OF A PROJECT PLAN

WHEREAS, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed creation of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas and its proposed boundaries; and

WHEREAS, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas; and

WHEREAS, the City Council has designated the boundaries of the proposed Downtown Master Plan Redevelopment District Number Two, of Fayetteville, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby establishes the boundaries of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas as set forth on the map attached hereto as Exhibit "A" and incorporated herein.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby names the District the following name for identification purposes: Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby creates the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas as of September 20, 2004.

Section 4: That the City Council hereby finds that the real property within the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the

development or spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, or employment, or increasing employment, or any combination thereof.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby creates a separate and special fund into which shall be deposited all tax increment revenues, and all other revenues designated by the City for the benefit of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas. All project costs shall be paid from this fund. This fund shall be known as the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the preparation of a Redevelopment Project.

PASSED and **APPROVED** this 21st day of December, 2004.

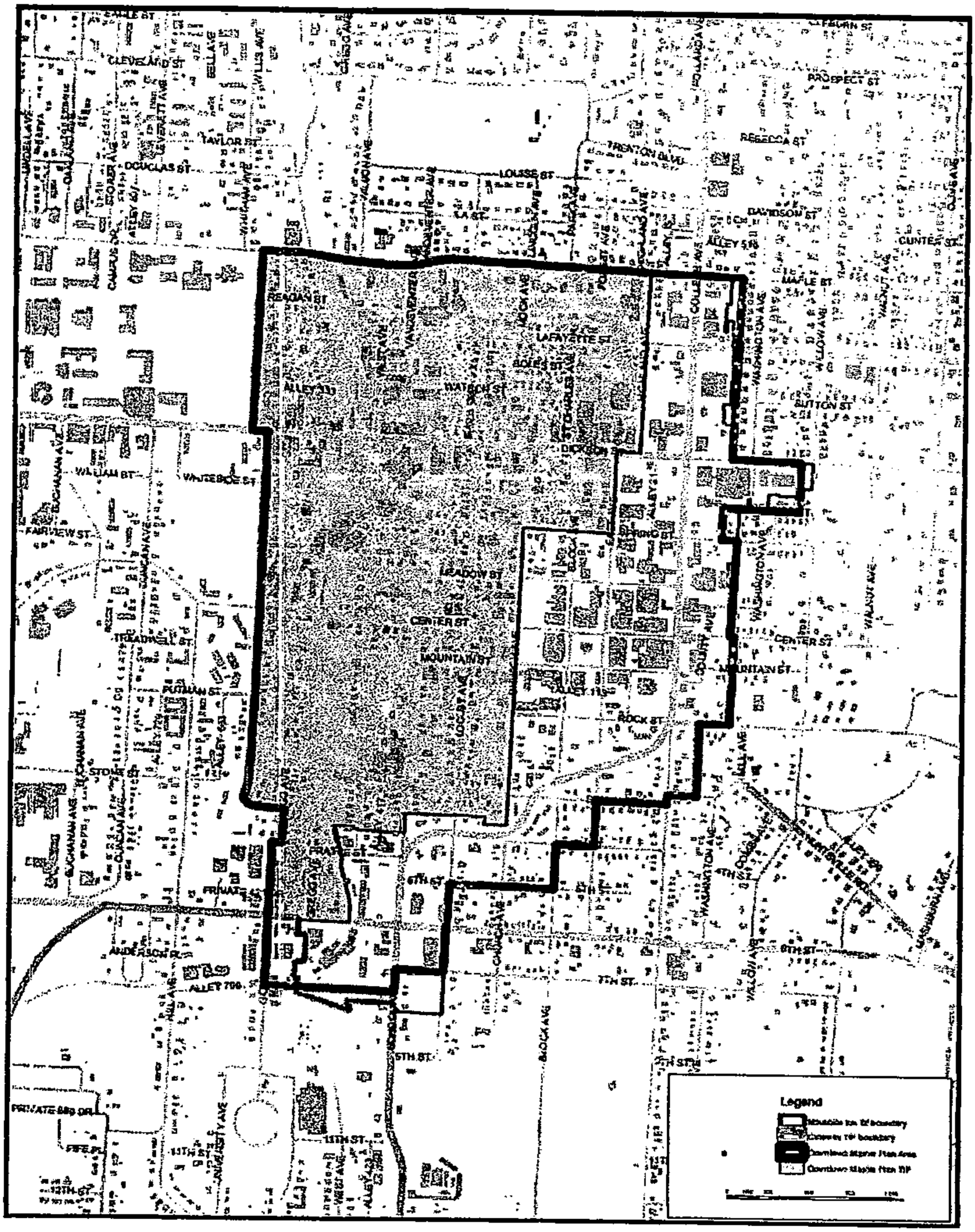
APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
SONDRA SMITH, City Clerk



City of Fayetteville

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

12-21-04
City Council Meeting Date

Tim Conklin	Planning and Development Mgmt.	Operations
Submitted By	Division	Department

Action Required:

Downtown Master Plan Redevelopment District Project Boundary and Project Plan public hearing and adoption of the ordinance approving the project plan and boundary.

n/a	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-7-04 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 12-8-04 Date

Received in City Clerk's Office

Mayor — 12/8/04 Date

Received in Mayor's Office

Comments:

ENTERED

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Director of Planning and Development Management
DATE: December 3, 2004
SUBJECT: Public hearing and approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan

RECOMMENDATION

Staff recommends approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan following the required public hearing on the proposed boundary and project plan (Please see attached Project Plan and District Boundary).

BACKGROUND

The proposed boundary of the Downtown Master Plan Redevelopment District includes the remaining area of the Downtown Master Plan boundary excluding the area that is within the Highway 71/East Square Redevelopment District No. 1 and a small portion located within the proposed South Fayetteville TIF. The district contains approximately 227 acres and is west of the Highway 71/East Square Redevelopment District.

The proposed project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas as shown in the adopted Downtown Master Plan

2. Improvements to the streetscape in the target area based upon the conceptual street cross sections in the adopted Downtown Master Plan

3. Continuation of trail corridors and development of the trail system based on the Fayetteville Alternative Transportation Plan

4. The location and construction of necessary infrastructure to support the Cultural and Arts District

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE PROJECT PLAN FOR THE DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT, FINDING THE PLAN IS ECONOMICALLY FEASIBLE AND AUTHORIZING THE ISSUANCE OF TAX INCREMENT FINANCING BONDS TO FUND THE IMPROVEMENTS OUTLINED IN THE PLAN

WHEREAS, on December 21, 2004, the Fayetteville City Council held a Public Hearing concerning the creation of the Downtown Master Plan Redevelopment District; and

WHEREAS, on December 21, 2004, the City Council passed an ordinance creating the Downtown Master Plan Redevelopment District and authorized preparation of a Redevelopment Project Plan; and

WHEREAS, the City has prepared a proposed Project Plan attached as Exhibit "A"; and

WHEREAS, the Project Plan includes:

(a) The kind, number and location of all public works or improvements within the district including acquisition of real estate, construction of parking facilities, improvements to streetscape, roads, trails and other necessary infrastructure;

(b) an economic feasibility study;

(c) a detailed list of estimated project costs;

(d) a description of financing including tax increment bonds;

(e) a certification of the county tax assessor of the base value, ad valorem rate, debt service ad valorem rate, and ad valorem rate for the redevelopment district;

(f) no other funds are expected to be deposited into the special funds;

(g) a map showing existing uses and conditions of real property in the district;

(h) a map of proposed improvements and uses in the district;

(i) no zoning changes are anticipated;

(j) reference to the Downtown Master Plan;

(k) non-project costs include financial advice, bond costs, economic forecasting;

(l) no persons are anticipated to be displaced; but the City retains the right to condemn property to accomplish the Project Plan if necessary;

(m) the amount of TIF indebtedness;;

(n) the amount of tax increment estimated to be generated by the project;

(o) no other revenues are anticipated to be used to secure the tax increment financing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds that the Project Plan for the Downtown Master Plan Redevelopment District (attached as Exhibit A) is economically feasible.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Project Plan for the Downtown Master Plan Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves and authorizes the issuance of the tax increment financing bonds as outlined in the Project Plan in the amount, interest rates, duration, etc. stated within the Project Plan.

PASSED and **APPROVED** this 21st day of December, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

December 3, 2004

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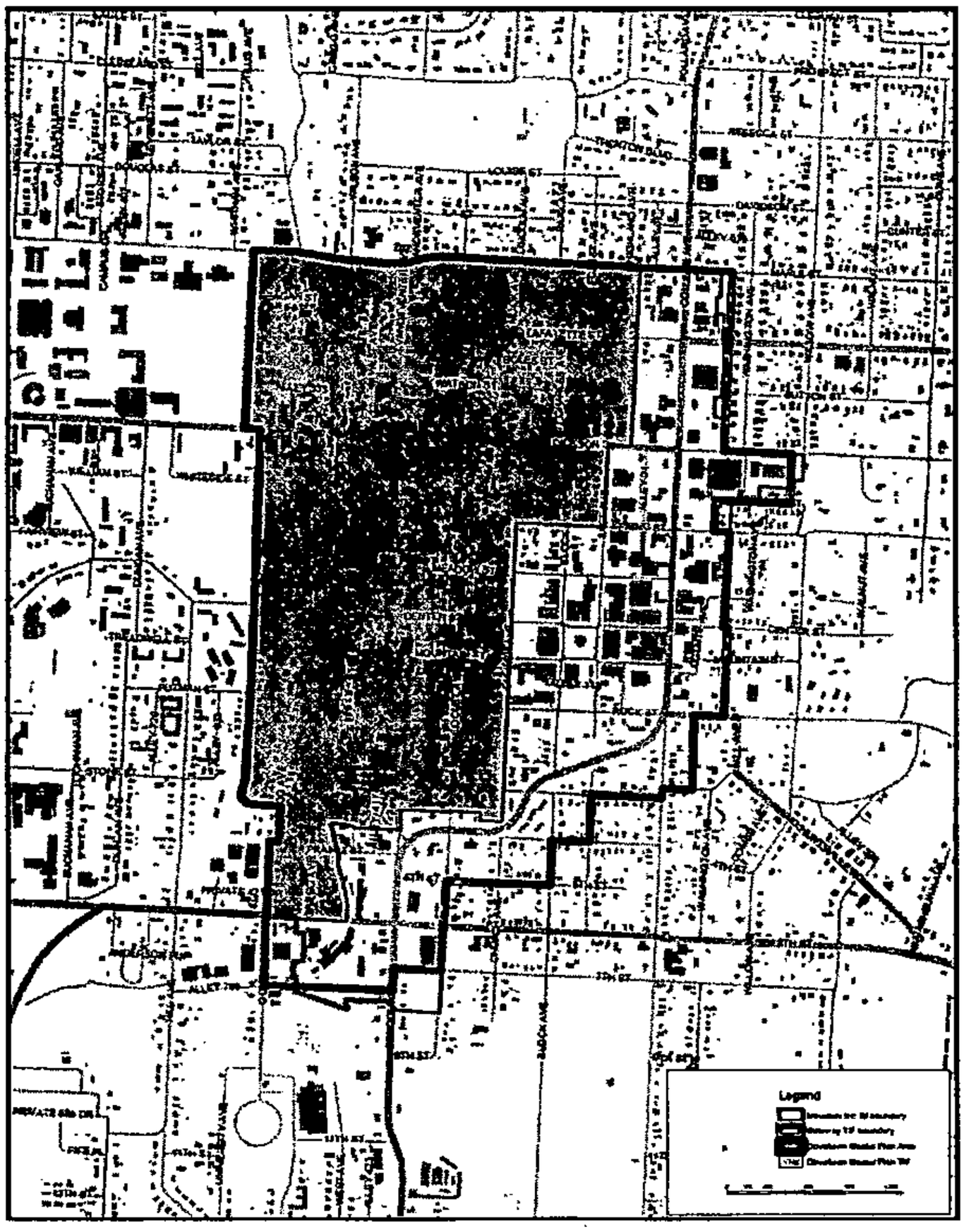
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

Plan documents have been prepared that relate to proposed redevelopment public infrastructure improvements of certain areas contained within the designated Downtown Master Plan TIF . The intent of the project plan is to implement a series of recommendations made as part of the Downtown Master Plan that was adopted by the City Council on September 7, 2004 by Resolution No. 04-140. The Council, in adopting the plan, intends to use the recommendations contained in the plan as a guide to redevelopment of this crucially important component of the Downtown Master Plan area.

The boundaries of this area are illustrated below:



City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Dawn T. Warrick	Planning	Operations
Submitted By	Division	Department

Action Required:

Approval of an ordinance for ANX 04-1222 (DORIS ROBERTS) annexing property located at the south end of Roberts Road containing approximately 47.13 acres.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-3-04 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 12-6-04 Date

Received in City Clerk's Office

Mayor — 12/7/04 Date

Received in Mayor's Office 12/6/04 P.H.

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: December 03, 2004

Subject: Rezoning for Doris Roberts (RZN 04-1280)

RECOMMENDATION

Planning Staff recommends approval of the requested rezoning for Doris Roberts, a 47.13-acre tract located on Roberts Road east of Fayetteville. This action will rezone the recently annexed 47.18-acre tract of land to RSF-4, Residential Single Family, 4 Units per acre.

BACKGROUND

The subject property contains approximately 47.13 acres of agricultural property located south of Huntsville Road, south and east of Roberts Road/Goff Farm Road. It is surrounded on the north and east by land in the Planning Area, on the south by land zoned RSF-4, and property to the east both in the Planning Area, zoned R-A, and zoned RSF-4. Floodway and floodplain from a West Fork of the White River tributary is located on the easternmost portion of the site. Numerous single family developments are under construction in the nearby vicinity, immediately south and west of the property.

The applicant requests rezoning of the property from R-A, Residential Agricultural, to RSF-4, should the preceding annexation request by approved by the City Council. The applicant intends to develop a single family residential subdivision within the City of Fayetteville.

Staff recommends approval of the proposed rezoning. The subject property is adjacent to property already zoned in a similar fashion, and approved for development. Future development of a single family residential subdivision is consistent with adjoining land both in terms of density and compatibility, and is consistent with the Future Land Use Plan for this area.

DISCUSSION

This item was heard at the regular Planning Commission on November 22, 2004. The annexation and rezoning were discussed together. The Planning Commission voted 6-0 in favor of the rezoning request.

BUDGET IMPACT None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1280 FOR PROPERTY LOCATED ON ROBERTS ROAD SOUTH OF HWY. 16 EAST CONTAINING APPROXIMATELY 47.13 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
RZN 04-1280

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE FRACTIONAL NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER ALL IN SECTION NINETEEN (19), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY NINE (29) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NE ¼, SW ¼, SAID POINT BEING A FENCE CORNER POST; THENCE SOUTH 02°48'58" WEST-1319.26 FEET TO THE SOUTHEAST CORNER OF SAID NE ¼, SW ¼; THENCE CONINUING SOUTH 02°48'58" WEST-374.03 FEET; THENCE SOUTH 62°50'13" WEST-442.88 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE THE FOLLOWING: NORTH 21°29'33" EAST-5.11 FEET; THENCE NORTH 28°14'41" EAST-147.59 FEET; THENCE NORTH 34°12'43" EAST-87.33 FEET; THENCE NORTH 01°07'38" EAST-36.74 FEET; THENCE NORTH 16°43'40" WEST-36.79 FEET; THENCE NORTH 03°02'55" EAST-66.54 FEET; THENCE NORTH 26°12'26" EAST-52.57 FEET; THENCE NORTH 04°01'57" WEST-41.85 FEET; THENCE NORTH 49°50'35" WEST-39.27 FEET; THENCE NORTH 22°02'56" WEST-39.91 FEET; THENCE NORTH 07°15'43" EAST-95.90 FEET; THENCE LEAVING SAID CENTERLINE NORTH 87°03'06" WEST-1,008.35 FEET TO THE SOUTHWEST CORNER OF SAID NE ¼, SW ¼; THENCE CONTINUING NORTH 87°03'06" WEST-1008.35 FEET TO THE WEST 448.02 FEET; NORTH 02°48'02"EAST-752.12 FEET, SAID POINT LYING IN THE CENTERLINE OF GOFF FARM ROAD; THENCE NORTH 58°55'30" EAST-539.81 FEET; THENCE SOUTH 02°48'33" WEST-241.62 FEET; THENCE SOUTH 87°19'12" EAST-209.95 FEET; THENCE SOUTH 02°46'33" WEST-79.00 FEET; THENCE SOUTH 87°19'12" EAST-210.02 FEET; THENCE NORTH 02°32'16" EAST-576.27 FEET TO A FENCE CORNER POST ON THE NORTH LINE OF SAID NE ¼, SW ¼; THENCE ALONG SAID LINE SOUTH 87°31'41" EAST-902.17 FEET TO THE POINT OF BEGINNING, CONTAINING 47.13 ACRES, MORE OR LESS.

Fayetteville
ARKANSAS

PC Meeting of November 22, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: November 17, 2004

RZN 04-1280: Rezoning (DORIS ROBERTS, 608): Submitted by MARC VANPELT for property located at THE SOUTH END OF ROBERTS RD., SOUTH OF HWY 16E. The property is in the Planning Area and contains approximately 47.13 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: DORIS FAYE ROBERTS Planner: JEREMY PATE

RECOMMENDATION:
Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	**Required** **YES**	
	○ Approved	**○ Denied**
Date: November 17, 2004		
CITY COUNCIL ACTION:	**Required** **YES**	
	○ Approved	**○ Denied**
Date: December 07, 2004		

BACKGROUND:

Property description: The subject property contains approximately 47.13 acres of agricultural property located south of Huntsville Road, south and east of Roberts Road/Goff Farm Road. Stonebridge Meadows Subdivision I is not far to the west, and Phases II and III adjoin the property to the west and south. Bridgedale Subdivision is located just north and west of the property, and the remaining surrounding property is developed with single family homes and agricultural land. The subject tract is surrounded on the north and east by land in the Planning Area, on the south by land zoned RSF-4, and property to the east both in the Planning Area, zoned R-A, and zoned RSF-4. Floodway and floodplain from a West Fork of the White River tributary is located on the easternmost portion of the site.

Stonebridge Meadows S/D II and III are subdivisions within the City of Fayetteville directly to the south and west, currently under construction. Adjacent to the south boundary of the subject property is a 15-acre tract intended for future elementary school and city park use. Approximately 5.45 acres is approved to be dedicated for a city park along the West Fork, with the remaining land area to be developed in the future.

Proposal: The applicant's intent is to develop a single family residential subdivision.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 dwelling units per acre, should the preceding annexation request be approved.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 47.13 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 04-1222, is an accompanying item to this rezoning request.

Public Comment: Staff has received no comments from adjacent or nearby property owners.

Recommendation: Should the annexation request be approved, staff recommends approval of the rezoning request based on the findings included in the staff report. Future development on this site will be regulated by the City to ensure adequate services, infrastructure, connectivity and consistent development within the surrounding area.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family homes, agricultural use	Planning Area
South	Stonebridge Meadows S/D II, III, parkland, potential future school property	RSF-4, Residential Single Family, 4 units/acre
East	West Fork of the White River, agricultural land	Planning Area
West	Single family residential, golf course, agricultural	RSF-4, Residential Single Family, 4 units/acre, R-A, Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Goff Farm Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Roberts Road to the north will need to be improved to a 20' minimum paved surface. Specific street improvements will be evaluated based on the development proposed, to meet ordinance requirements.

Water: The site currently does have access to public water. The nearest water main is a 6" main to the north along Goff Farm Road and Roberts Road. Water service will need to be extended within the property at the time of development.

Sewer: The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 6" sewer main to the north, and an 8" main to the west in the Stonebridge Meadows Subdivision. A capacity analysis of the sewer lines downstream of the site shall be conducted prior to development.

Fire: The subject property is located 3.4 miles from Fire Station #5. Normal driving time is 8-9 minutes. The property is located 2.5 miles from the future Fire Station #3. Normal driving time is 5-6 minutes.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: General Plan 2020 designates the site as Residential. Rezoning this property to RSF-4 is compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning for a single family residential subdivision is consistent with the future land use map and existing zoning and density of the surrounding subdivisions to the south and west of the subject property. A majority of the lots within Stonebridge Meadows Phase I are developed less than 1/10th of a mile to the west of the property on Goff Farm Road and the development of Stonebridge Meadows Subdivision Phase II/III has been approved and is under construction adjacent to the south and west of the property. These subdivisions are zoned RSF-4 and developed at 2.05 and 2.6 units per acre respectively. Property to the north and east are within the Planning Area and consist of single family residences on large lots as well as vacant land. Development of this property at 4 units per acre will be consistent with the development of City property in this area.**

The proposed zoning will allow development that is more consistent with the development patterns in this area, under the review of city ordinances.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A higher density than the R-A zoning district allows for development of a subdivision with density appropriate in this area, and would provide compatibility with the adjoining and surrounding approved developments. In order to develop a residential subdivision on this property in a manner that is consistent with the future land use plan, a residential zoning district is needed.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The police department has determined the proposed density will not substantially alter the population density to create an undesirable load existing traffic patterns. Specific street improvements will be evaluated based on the development proposed, to meet ordinance requirements. The developer will be expected to contribute to off-site infrastructure improvements based on the development proposed to retain a safe and adequate traffic pattern, much as other developments in this area have been required. Access and connectivity shall be evaluated at the time of development.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would increase population density. The approximately 47.13 acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 23 dwelling units (1 per 2 acres). With the proposed RSF-4 designation, 188 dwelling units would be permitted. This increases the possible number of residential units substantially, yet is consistent with land use and zoning within the City of Fayetteville and developing areas to the west and south. Additionally, much of the property may not be developed with this density, due to existing floodway and floodplain regulations associated with the West Fork on the eastern and southern boundaries of the property.**

Engineering - **Currently the site has access to Goff Farm Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Roberts Road to the north will need to be improved to a 20' minimum paved surface.**

The site currently does have access to public water. The nearest water main is a 6" main to the north along Goff Farm Road and Roberts Road. Water service will need to be extended within the property at the time of development.

The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 6" sewer main to the north, and an 8" main to the west in the Stonebridge Meadows Subdivision. A capacity analysis of the sewer lines downstream of the site shall be conducted prior to development.

Fire - **The subject property is located 3.4 miles from Fire Station #5. Normal driving time is 8-9 minutes. The property is located 2.52 miles from the future Fire Station #3. Normal driving time is 5-6 minutes. The addition of the fire station at the Tyson complex on Huntsville Road will greatly aid in response times in this area.**

Police - **It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half

(D) Bulk and area regulations.

Lot width minimum	200 ft.
Lot Area Minimum: Residential: Nonresidential:	 2 acres 2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

November 15, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Annexation **ANX 04-1222(Doris Roberts, pp 608)** and Rezoning **RZN 04-1280(Doris Roberts, pp 608)** submitted by Brad Bruns for property located at the south end of Roberts Road would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezonings do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

Lieutenant William Brown
Fayetteville Police Department

FAYETTEVILLE POLICE DEPARTMENT
P.O. BOX 1988
FAYETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 479-587-3555 FAX: 479-587-3522

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out	Projected Fire/Other Calls for Service at Maximum Build Out	Projected EMS Calls for Service at Maximum Build Out
ANX 04-1222	Roberts	Yes	47.13	FS 5	3.4 miles	8-9 minutes	8-10 minutes			
RZN 04-1280	Roberts			FS 5	3.4 miles	8-9 minutes	8-10 minutes	43	17	26
RZN 04-1293	Mathias			FS 6	1.6 miles	3 minutes	3 minutes	5	2	3
RZN 04-1294	Mathias			FS 6	1.1 miles	2 minutes	2 minutes	N/A	N/A	N/A

Engineering Services, Inc.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282
Phone: 479-751-8733 • Fax: 479-751-8746

September 24, 2004

The Planning Commission
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RE: Rezoning request for the Doris Faye Roberts Trust Property
In Fayetteville, Arkansas

To Whom It May Concern:

We are submitting a request to rezone the Doris Faye Roberts Trust Property from A-1 (Suburban Agriculture) to RSF-4 (Zoned for residential purpose). The property parcel size is approximately 47.13 acres. The tax parcel number is 001-10712-000. The pending property is sold to Riggins Construction & Development.

The property is located in Section 19, Township 16 North, Range 29 West. However, the exact location is on the Southeast side of Goff Farm Rd., approximately 0.3 miles South from its intersection with Highway 16, near Stonebridge Meadows Golf Course in the City of Fayetteville, AR.

Since the proposal requests the same zoning designation as the surrounding subdivisions, it provides consistency with surrounding zoning and developments. The proposed property will fit well with the existing surrounding property. The proposed zoning will not appreciably increase traffic congestion. The property has given two entrances in case of emergency and for construction purposes. Schools, water, and sewer mains are in the immediate area. The proposed density for this subdivision is in keeping with the same density of the surrounding area.

Sincerely,

Brian J. Moore, P.E.
Secretary/Treasurer

Engineering Services, Inc.

1207 S. Old Missouri Rd. • P. O. Box 282 • Springdale, Arkansas 72765-0282
Phone: 479-751-8733 • Fax: 479-751-8746

September 24, 2004

Planning and Development
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

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The property is located in Section 19, Township 16 North, Range 29 West. However, the exact location is on the Southeast side of Goff Farm Rd., approximately 0.3 miles South from its intersection with Highway 16, near Stonebridge Meadows Golf Course in the City of Fayetteville, AR.

A single-family subdivision in the area will enhance the residential characteristics for the surrounding areas in terms of land use, traffic, appearance, and signage.

The proposed water line will tie to the existing 8" water main, which is located adjacent to the property. The proposed sanitary sewer line will tie to the existing 8" PVC sewer line that is located in the southwest corner of the property.

Sincerely,

Brian J. Moore, P.E.
Secretary/Treasurer

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

DORIS F. ROBERTS, TRUSTEE
of the Doris Faye Robers Trust u/d 10-16-98

PETITIONER

NO. CC 2004- 28

FILED
'04 AUG 23 AM 10:45
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

ORDER OF ANNEXATION

On this 23rd day of August, 2004, comes on to be heard the petition of the owner of the following described property in Washington County for its annexation to the City of Fayetteville, Arkansas:

A part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and a part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and a part of the Fractional Northwest Quarter (NW¼) of the Southwest Quarter all in Section Nineteen (19), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

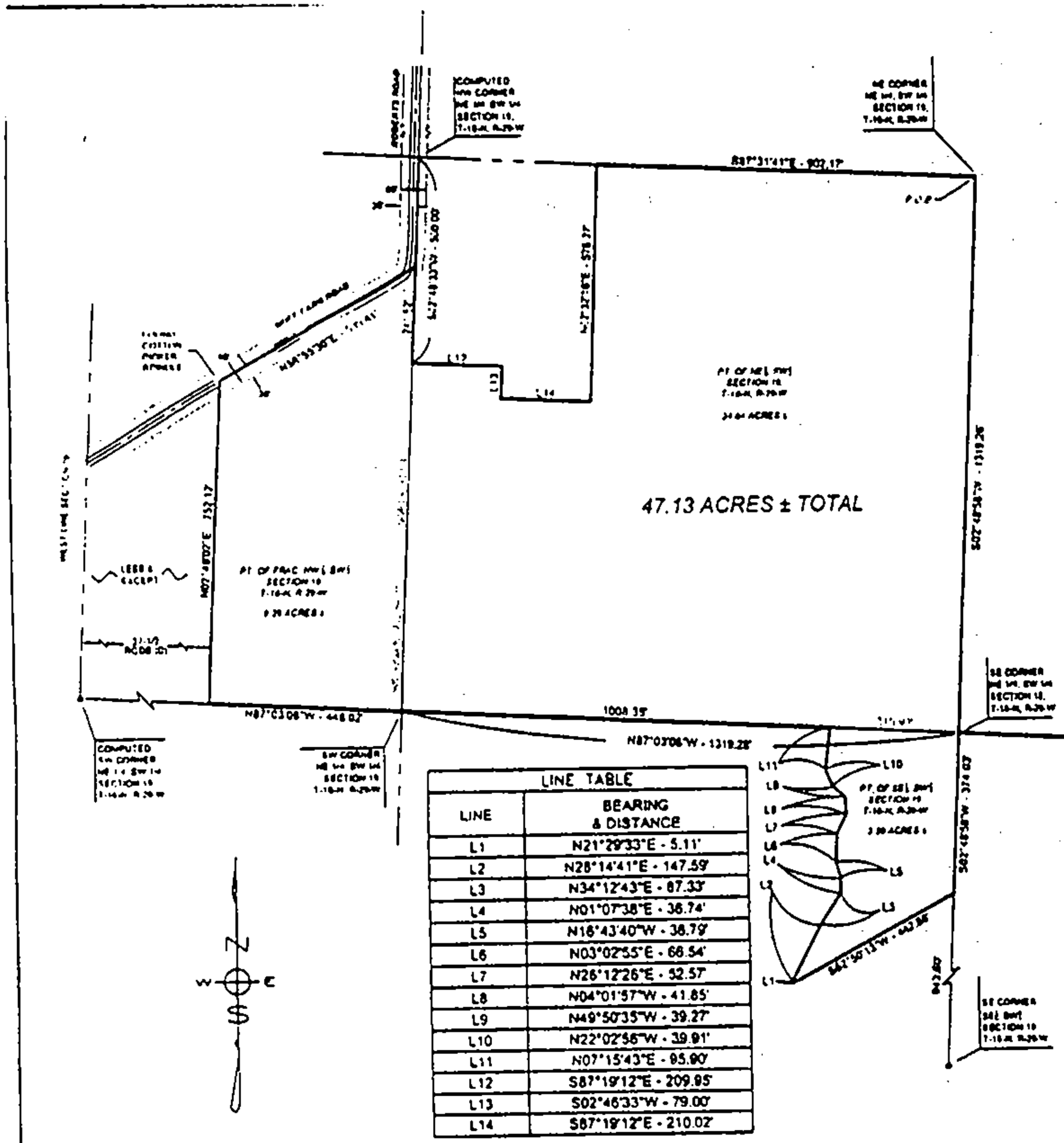
Beginning at the Northeast Corner of said NE¼, SW¼, said point being a fence corner post; thence South 02°48'58" West - 1,319.26 feet to the Southeast corner of said NE¼, SW¼; thence continuing South 02°48'58" West - 374.03 feet; thence South 62°50'13" West - 442.88 feet to the centerline of a creek; thence along said centerline the following: North 21°29'33" East - 5.11 feet; thence North 28°14'41" East - 147.59 feet; thence North 34°12'43" East - 87.33 feet; thence North 01°07'38" East - 36.74 feet; thence North 16°43'40" West - 36.79 feet; thence North 03°02'55" East - 66.54 feet; thence North 26°12'26" East - 52.57 feet; thence North 04°01'57" West - 41.85 feet; thence North 49°50'35" West - 39.27 feet; thence North 22°02'56" West - 39.91 feet; thence North 07°15'43" East - 95.90 feet; thence leaving said centerline North 87°03'06" West - 1,008.35 feet to the Southwest Corner of said NE¼, SW¼; thence continuing North 87°03'06" West 448.02 feet; North 02°48'02" East - 752.12 feet, said point lying in the centerline of Goff Farm Road; thence North 58°55'30" East - 539.81 feet; thence South 02°48'33" West - 241.62 feet; thence South 87°19'12" East - 209.95 feet; thence South 02°46'33" West - 79.00 feet; thence South 87°19'12" East - 210.02 feet; thence North 02°32'16" East - 576.27 feet to a fence corner post on the North line of said NE¼, SW¼; thence along said line South 87°31'41" East - 982.17 feet to the POINT OF BEGINNING, containing 47.13 acres, more or less

Submitted as RZN04-1280
Note: Same as ANX04-1222

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicants Signature

RECEIVED
AUG 26 2004
CITY OF FAYETTEVILLE
PLANNING DIVISION

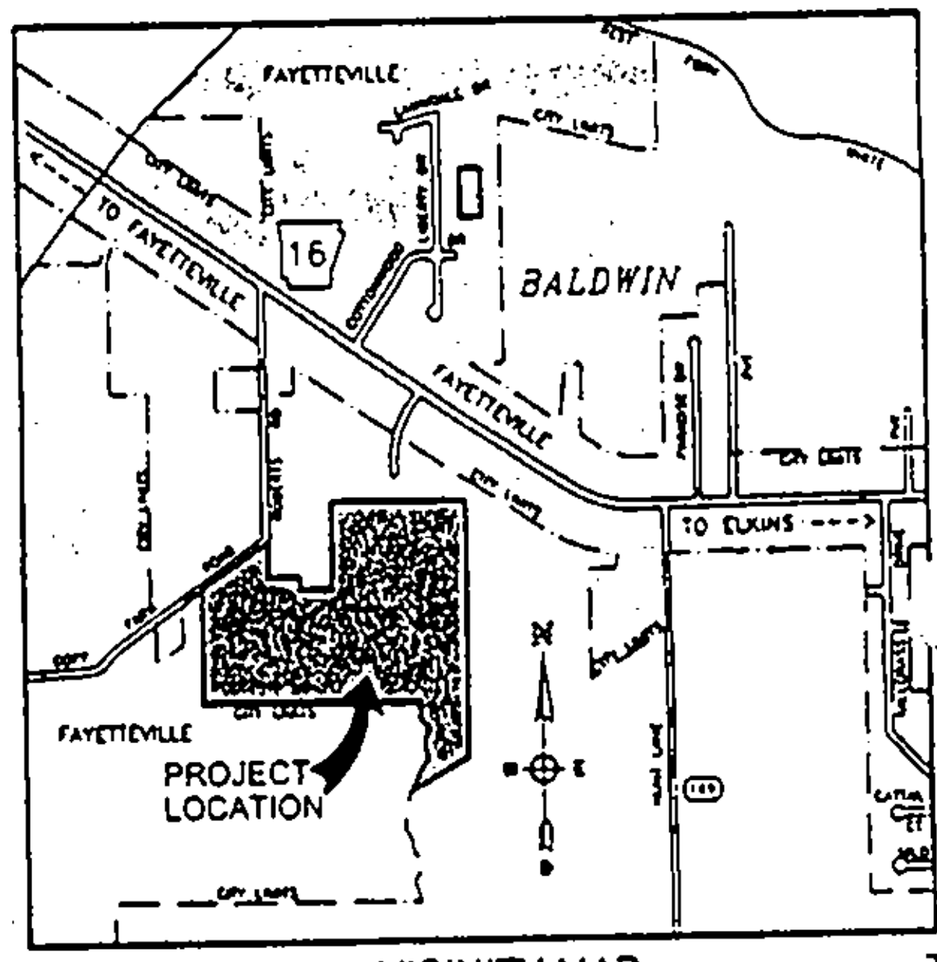


LINE TABLE	
LINE	BEARING & DISTANCE
L1	N21°29'33"E - 5.11'
L2	N28°14'41"E - 147.59'
L3	N34°12'43"E - 87.33'
L4	N01°07'38"E - 36.74'
L5	N16°43'40"W - 38.79'
L6	N03°02'55"E - 66.54'
L7	N26°12'26"E - 52.57'
L8	N04°01'57"W - 41.85'
L9	N49°50'35"W - 39.27'
L10	N22°02'56"W - 39.91'
L11	N07°15'43"E - 95.90'
L12	S87°19'12"E - 209.95'
L13	S02°46'33"W - 79.00'
L14	S87°19'12"E - 210.02'

LEGAL DESCRIPTION:

A part of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) and a part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) and a part of the Fractional Northwest Quarter (NW¼) of the Southwest Quarter all in Section Nineteen (19), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Beginning at the Northeast Corner of said NE¼, SW¼, said point being a fence corner post; thence South 02°48'58" West - 1,319.26 feet to the Southeast corner of said NE¼, SW¼; thence continuing South 02°48'58" West - 374.03 feet; thence South 87°50'13" West - 442.88 feet to the centerline of a creek; thence along said centerline the following: North 21°29'33" East - 5.11 feet; thence North 28°14'41" East - 147.59 feet; thence North 34°12'43" East - 87.33 feet; thence North 01°07'38" East - 36.74 feet; thence North 16°43'40" West - 38.79 feet; thence North 03°02'55" East - 66.54 feet; thence North 26°12'26" East - 52.57 feet; thence North 04°01'57" West - 41.85 feet; thence North 49°50'35" West - 39.27 feet; thence North 22°02'56" West - 39.91 feet; thence North 07°15'43" East - 95.90 feet; thence leaving said centerline North 87°03'06" West - 1,008.35 feet to the Southwest Corner of said NE¼, SW¼; thence continuing North 87°03'06" West 448.02 feet; North 02°48'02" East - 752.12 feet, said point lying in the centerline of Golf Farm Road; thence North 58°55'30" East - 539.81 feet; thence South 02°48'33" West - 241.62 feet; thence South 87°19'12" East - 209.95 feet; thence South 02°46'33" West - 79.00 feet; thence South 87°19'12" East - 210.02 feet; thence North 02°32'16" East - 576.27 feet to a fence corner post on the North line of said NE¼, SW¼; thence along said line South 87°31'41" East - 902.17 feet to the POINT OF BEGINNING, containing 47.13 acres, more or less, and subject to easements, rights-of-way, and/or restrictions of record, if any.



VICINITY MAP

ANNEXATION
DORIS FAYE ROBERTS TRUST
WASHINGTON COUNTY, ARKANSAS

0 150 300 600

SCALE 1" = 300'

ENGINEERING SERVICES INCORPORATED
CONSULTING ENGINEERS AND SURVEYORS
1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72765

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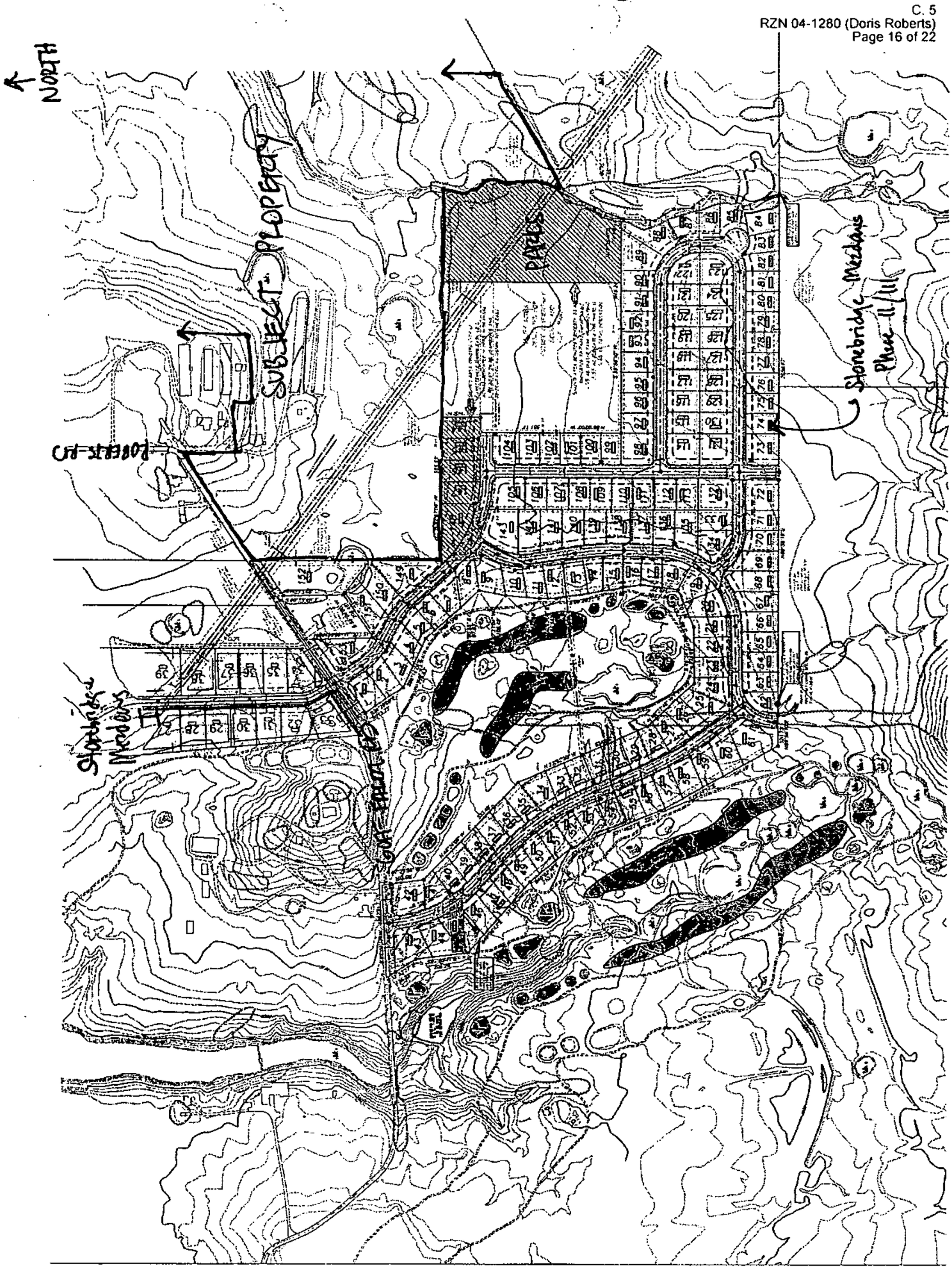
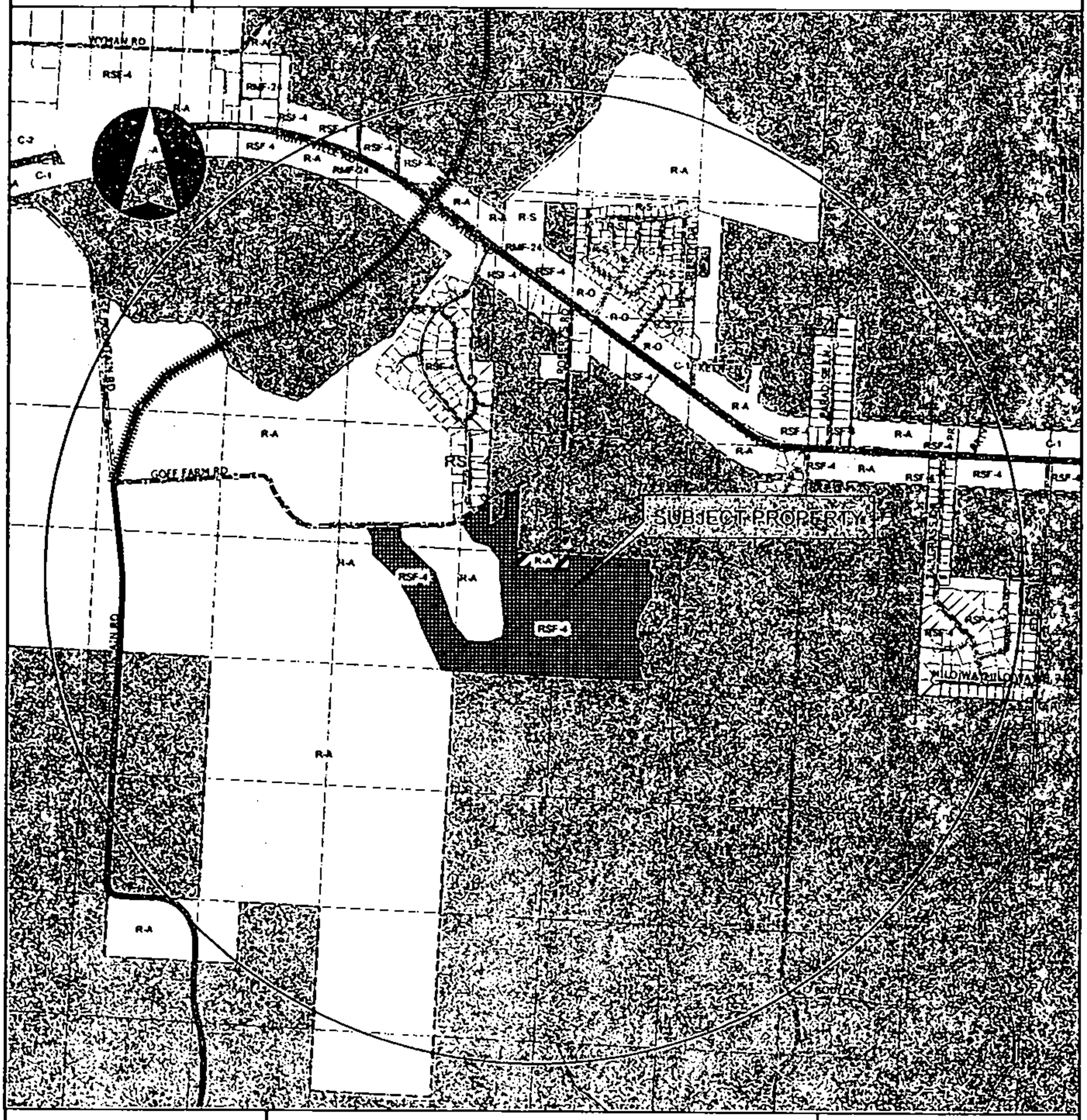
RZN 04-


NORTH
SUBJECT PROPERTY
PARCEL
Stonebridge Meadows
Phase II

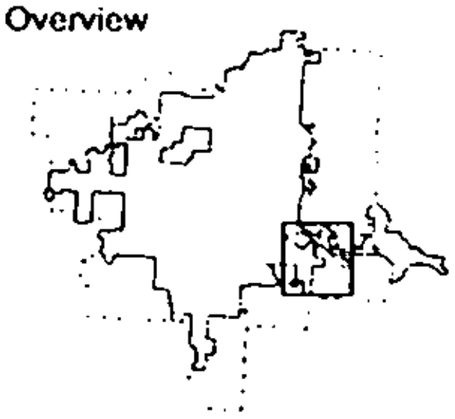
PPL03-17.00

One Mile View

STONEBRIDGE MEADOWS PH II



Overview



Legend

Subject Property
PPL03-17.00

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits
Outside City

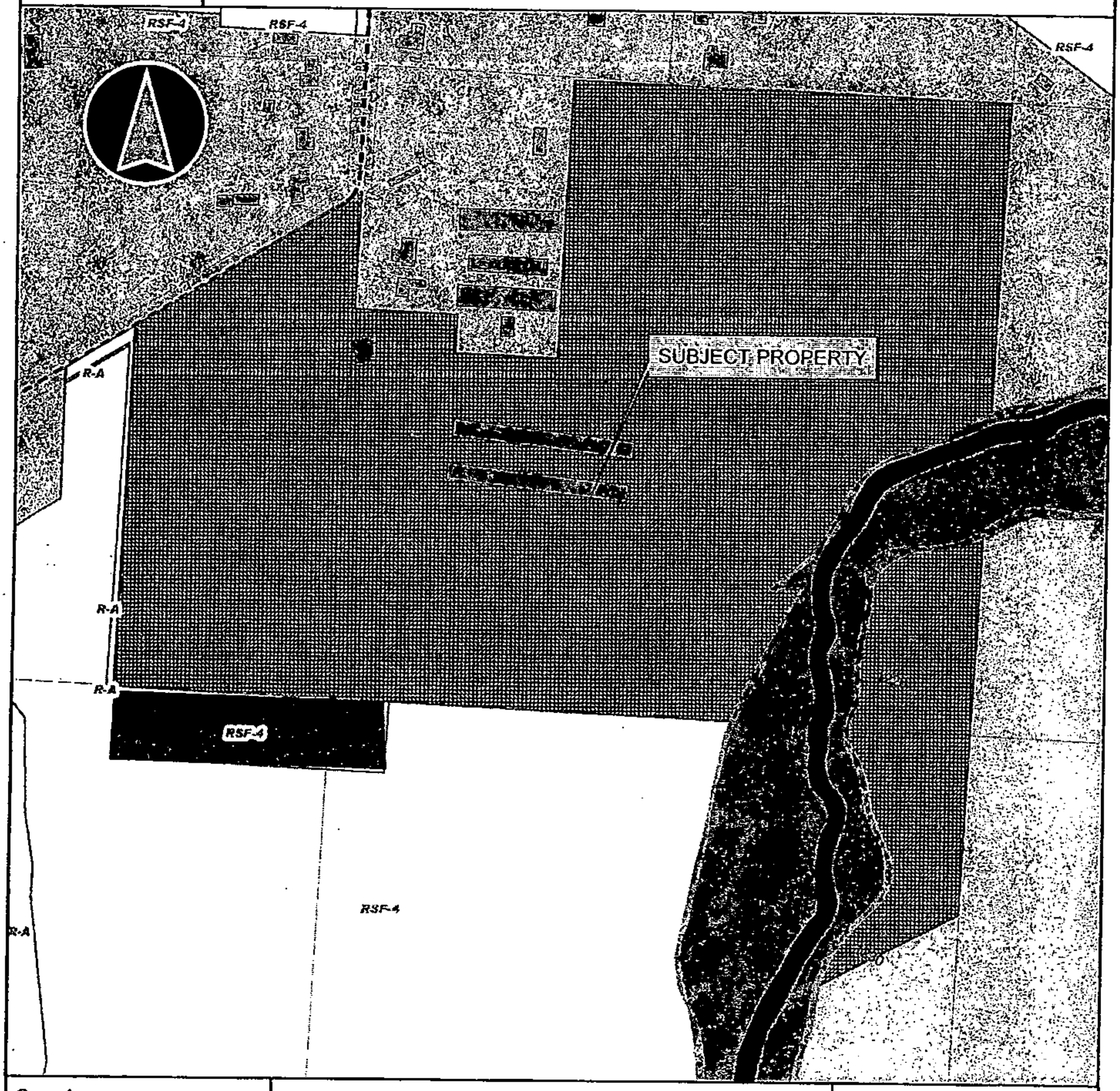
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

RZN04-1280

Close Up View

DORIS ROBERTS



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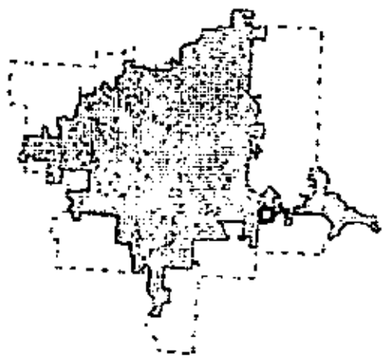


Legend

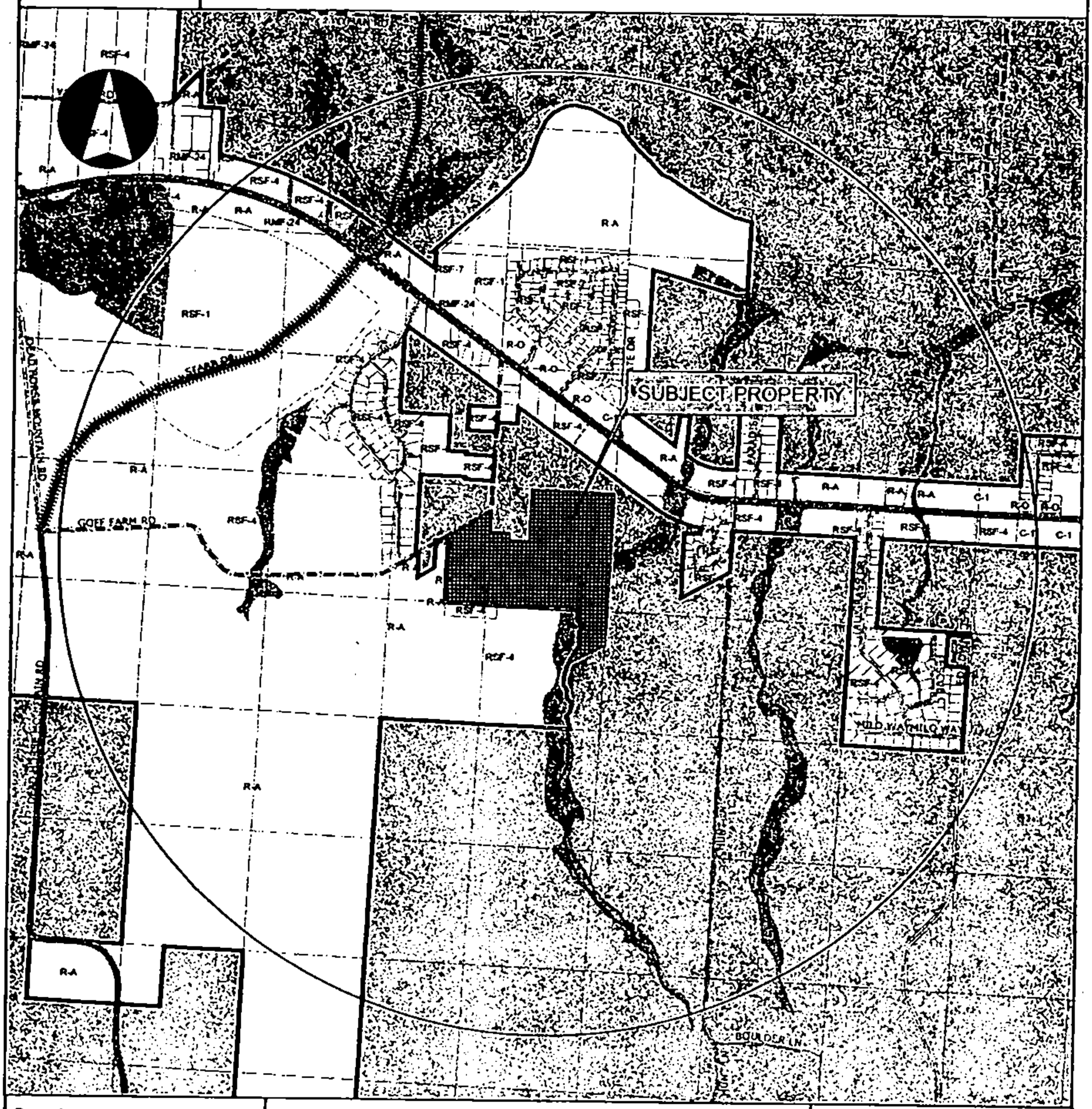
Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
RZN04-1280
Fayetteville
Outside City

0 75 150 300 450 600
Feet

RZN04-1280

One Mile View

DORIS ROBERTS



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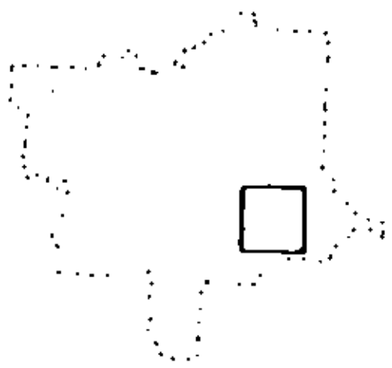


Legend

Subject Property

RZN04-1280

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

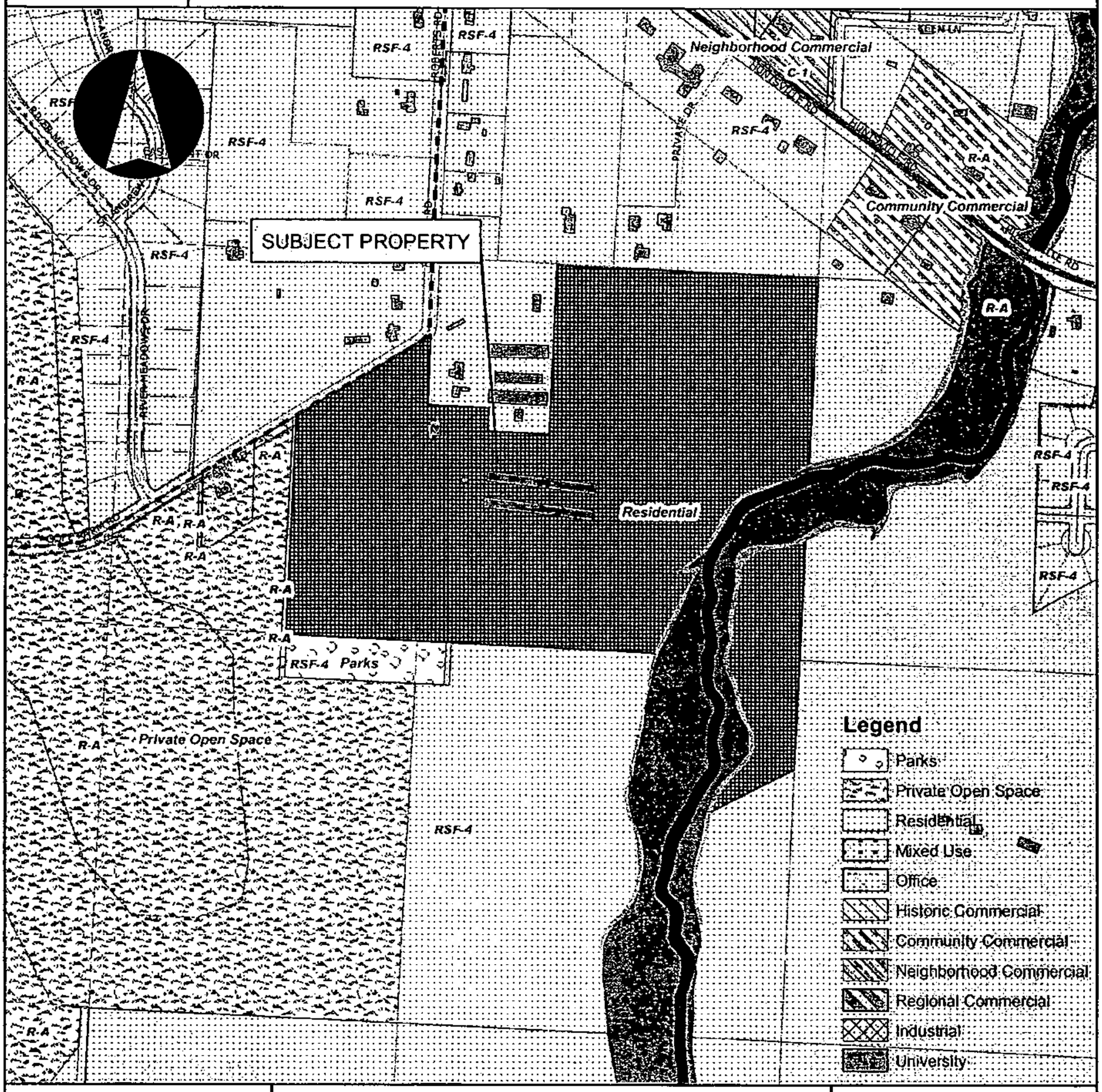
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

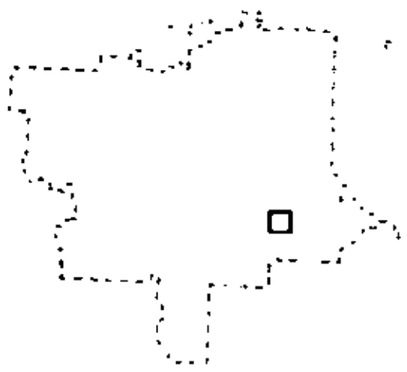
RZN04-1280

Future Land Use

DORIS ROBERTS



Overview



Legend

Subject Property

RZN04-1280

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 150 300 600 900 1,200

Feet

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Dawn T. Warrick DTW	Planning	Operations
Submitted By	Division	Department

Action Required:

Approval of an ordinance for RZN 04-1280 (DORIS ROBERTS, 608) rezoning property located on Roberts Road, south of Hwy. 16 East containing approximately 47.13 acres from R-A, Residential Agricultural to RSF-4, Residential Single-family, 4 units per acre.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-3-04 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 12-6-04 Date

Received in City Clerk's Office

Mayor — 12/7/04 Date

Received in Mayor's Office 12/6/04 9:11 A.

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: December 3, 2004

Subject: Easement Vacation for Hanks (VAC 04-1255)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of an existing utility easement located at 2553 Ferguson Ave.

BACKGROUND

This utility easement was platted with the Cedarwood Addition Phase I in 1979. Part of this 25' general utility easement is currently utilized by the City of Fayetteville and contains a 36" drainage pipe.

DISCUSSION

The applicant has submitted the required notification forms to the adjacent property owners. No adjoining property owners object to the vacation of this easement. The Transportation Department has inspected the location of the drainage pipe and found that it is currently located under an existing fence along the property line. Vacating this portion of the utility easement would not adversely effect the ability to maintain the existing pipe.

The Planning Commission voted 6-0-0 in favor of this request on Monday, November 22, 2004.

BUDGET IMPACT

None.

ENTERED
12-6-04

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-1255 SUBMITTED BY TIM MADDOX FOR PROPERTY LOCATED ON THE EAST SIDE OF 2553 FERGUSON AVENUE AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described easement is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described six foot portion of utility easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By_____
Dan Coody, Mayor

ATTEST:

By_____
Sondra Smith, City Clerk

EXHIBIT "A"

LOT 41, CEDARWOOD ADDITION—PHASE I, FAYETTEVILLE, ARKANSAS, AS PER PLAT RECORD 8-111, ON FILE IN THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHEAST CORNER OF SAID LOT 41; THENCE S86°23'06"W 31.92 FEET; THENCE N03°36'54"W 7.50 FEET TO THE POINT OF BEGINNING; THENCE N03°36'54"W 2.50 FEET; THENCE N86°23'06"E 18.93 FEET; THENCE N06°21'25"W 27.74 FEET; THENCE N83°38'35"E 6.00 FEET; THENCE S06°21'25 E 30.53 FEET; THENCE S86°23'06"W 25.05 FEET BACK TO THE POINT OF BEGINNING CONTAINING 239.81 SQUARE FEET MORE OR LESS.

FAYETTEVILLE PC Meeting of November 22, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Leif Olson, Associate Planner
Brent O'Neil P.E. Staff Engineer
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: November 17, 2004

VAC 04-1255: Vacation (HANKS, pp 293) was submitted by TIM MADDOX for property located at 2553 FERGUSON AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY 4 UNITS/ACRE, and contains approximately 0.21 acres. The request is to vacate a portion of a utility easement on the subject property for the construction of an addition to the existing structure.

Findings: Vacating this utility easement would not limit access to the existing 36" drainage pipe that the city currently has installed in this location.

Background: This utility easement was platted with the Cedarwood Addition Phase I in 1979. This 25' general utility easement is currently utilized by the City of Fayetteville and contains a 36" drainage pipe. The drainage pipe is located under an existing fence along the property line.

Request: The applicant requests to vacate a 6' portion of an existing general utility easement to allow for construction of an addition to the home located at 2553 Ferguson Avenue.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections
AEP/SWEPCO	No Objections
Arkansas Western Gas	No Objections
SW Bell	No Objections

CITY OF FAYETTEVILLE:	RESPONSE
Water/Sewer	No Objections
Transportation	Access must be maintained to the 36" drainage pipe that exists
Solid Waste	No Objections
Engineering	No Objections

Public Comment: The applicant has submitted the required notification forms to the adjacent property owners. Adjacent property owners had no objections to the proposed vacation.

Recommendation: Staff recommends approval of the proposed utility easement vacation 04-1255.

PLANNING COMMISSION ACTION: __yes__ Required
_____Approved _____Denied

Date:
November 22, 2004

Comments: _____

_____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
By

_____
Title

_____
Date

CITY COUNCIL ACTION: __yes__ Required
_____Approved _____Denied

Date: _____

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

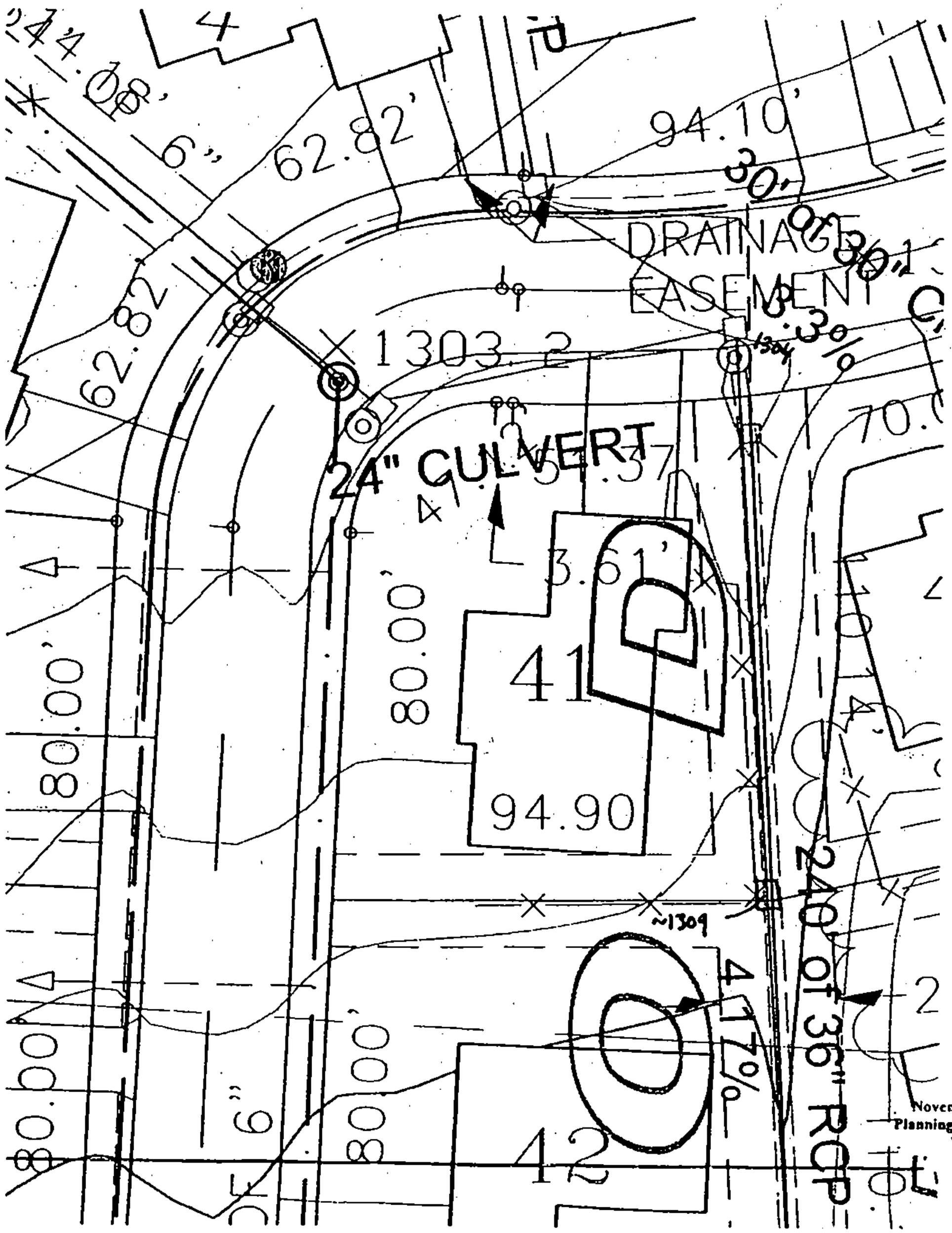
Front	Side	Rear
25 ft.	8 ft.	20 ft.

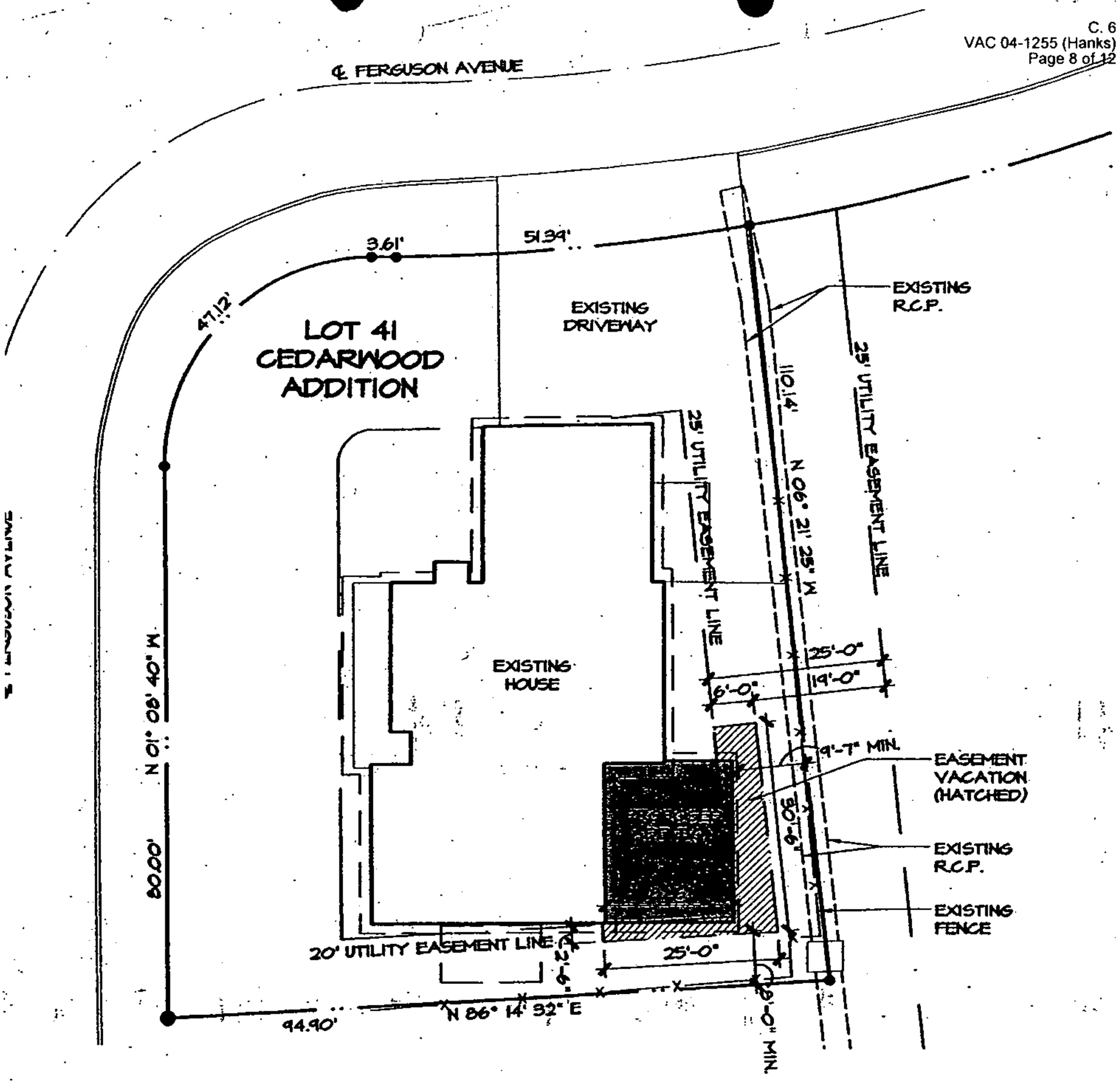
(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

B
11-4-04


24" CULVERT
DRAINAGE EASEMENT
94.10'
62.82'
62.82
1303.2
1305.37
80.00'
80.00'
94.90
3.61'
41
42
~1309
4.17%
3.30%
24" OF 36" RCP
36" C
70.
2
80.00'
80.00'



SITE PLAN
1"=20'-0"

A REMODEL FOR:

HANKS RESIDENCE

2553 FERGUSON AVENUE

FAYETTEVILLE, ARKANSAS

COMM. NO.: 0950
DATE: NOV. 16, 2004

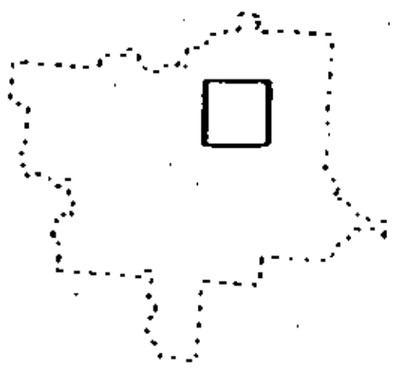
November 22, 2004
Planning Commission
VAC 04-1255
Page 5.5

VAC04-1255

One Mile View

MR. & MRS. HANKS

Overview



Legend

Subject Property

VAC04-1255

Boundary

Planning Area

Overlay District

Outside City

Streets Master Street Plan

Streets Master Street Plan

Existing

Planned

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

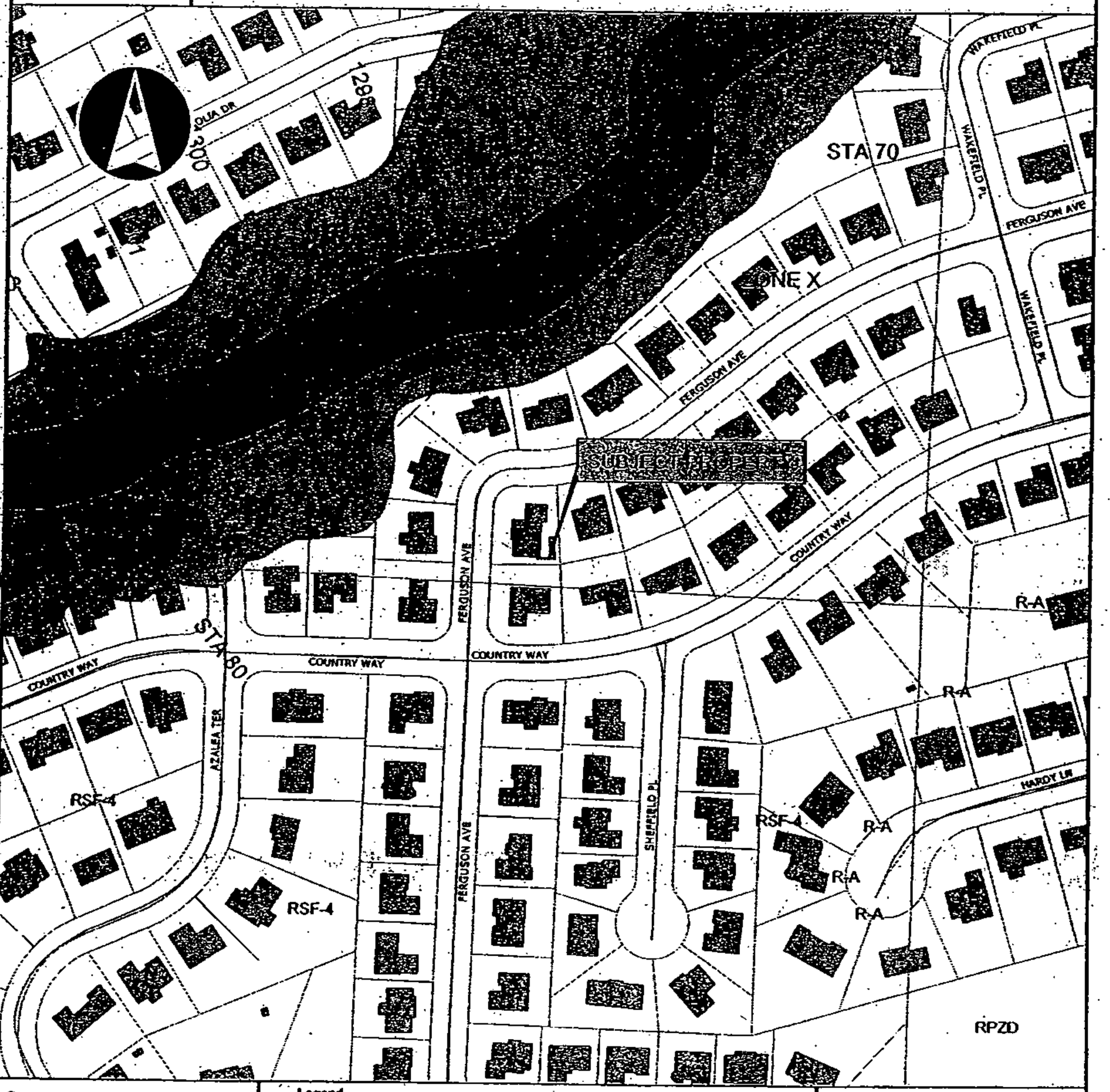
0 0.1 0.2 0.4 0.6 0.8 Miles

November 22, 2004
Planning Commission
VAC 04-1255
Page 5.6

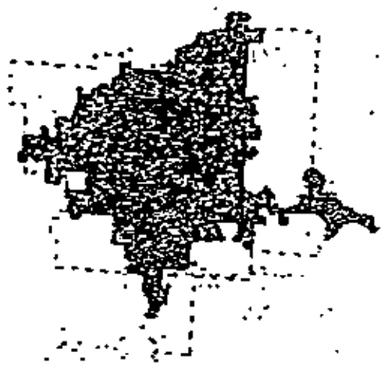
VAC04-1255

Close Up View

MR. & MRS. HANKS



Overview



Legend

Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
VAC04-1255
Fayetteville
Outside City

0 75 150 300 450 600 Feet

November 22, 2004
Planning Commission
VAC 04-1255
Page 5.7

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Dawn T. Warrick	Planning	Operations
Submitted By	Division	Department

Action Required:

Approval of an ordinance vacating a portion of a utility easement located on the east side of 2553 Ferguson Avenue.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director — 12-3-04 Date

City Attorney — 12-6-04 Date

Mayor — 12/7/04 Date

Received in City Clerk's Office

Received in Mayor's Office 12/6/04 P.H.

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: December 3, 2004

Subject: Easement Vacation for Pearson (VAC 04-1279)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating an alley between Hughes and North Street, mid block between Lindell and Oakland.

BACKGROUND

This alley was platted originally with the Rose Hill Addition and was never constructed. The two adjacent streets that adjoin this property, Lindell Ave. and Oakland Dr., were also never constructed most likely due to the steep grades to the north of the property. There are no existing utilities within this alley.

DISCUSSION

The applicant has submitted the required notification forms to the adjacent property owners. No adjoining property owners object to the vacation of this alley way. Vacating this alley would not adversely effect the general public.

The Planning Commission voted 6-0-0 in favor of this request on Monday, November 22, 2004.

BUDGET IMPACT

None.

ENTERED
12-6-04
T

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-1279 SUBMITTED BY WYMA & C.T. PEARSON FOR AN ALLEY LOCATED AT BLOCK 3, ROSEHILL ADDITION AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described alley is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described 20 foot alley running north and south between Hughes Street and North Street, east of Garland Avenue:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By_____
Dan Coody, Mayor

ATTEST:

By_____
Sondra Smith, City Clerk

EXHIBIT "A"

AN ALLEY TWENTY (20) FEET IN WIDTH RUNNING NORTH AND SOUTH THROUGH THE CENTER OF BLOCK THREE (3) OF ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, WITH LOTS ONE (1), TWO (2), THREE (3) AND FOUR (4) ABUTTING SAID ALLEY ON THE EAST AND LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8) ABUTTING SAID ALLEY ON THE WEST.

PC Meeting of November 22, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Leif Olson, Associate Planner
Brent O'Neal, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: November 16, 2004

VAC 04-1279: Vacation (PEARSON, 444): Submitted by WYMA & C.T. PEARSON for property located at Block 3, Rose Hill Addition. The property is zoned RMF-40, MULTI FAMILY - 40 UNITS/ACRE and contains approximately 0.95 acres. The request is to vacate all of a 20' alley between Hughes and North St., mid-block between Lindell and Oakland. Planner: LEIF OLSON

Findings:

Background: This alley was platted originally with the Rose Hill Addition to the City of Fayetteville and was never constructed. The two adjacent streets that adjoin this property, Lindell Ave and Oakland Dr., were also never constructed probably due to the steep grade to the north of the property. The City of Fayetteville has no utilities within the existing alley.

Request: The request is to vacate a 20' wide alley running north and south between Hughes Street and North Street, east of Garland Avenue.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections
AEP/SWEPCO	No Objections
Arkansas Western Gas	No Objections
SW Bell	No Objections

CITY OF FAYETTEVILLE:	RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: The applicant has submitted the required notification forms to the adjacent property owners. Adjacent property owners had no objections to the proposed vacation.

Recommendation: Because of the existing topography and adjacent street patterns staff feels that it is very unlikely that this alley would ever be constructed. Therefore, staff recommends approval of the proposed alley vacation **VAC 04-1279.**

PLANNING COMMISSION ACTION: **__yes__Required**
_____Approved _____Denied

Date:
November 22, 2004

Comments: _____

_____

The "CONDITIONS OF APPROVAL", beginning on page two of this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
By

_____
Title

_____
Date

CITY COUNCIL ACTION: **__yes__Required**
_____Approved _____Denied

Date: _____

161.14 District Rmf-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	16 to 40

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments	
No bedroom	1,000 sq. ft
One bedroom	1,000 sq. ft
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

Cross reference(s)—Variance, Ch. 156.

(F) *Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

PETITION TO VACATE ALLEY

PETITION TO VACATE THE ALLEY LOCATED IN BLOCK 3; OF THE ROSE HILL ADDITION, CITY OF FAYETTEVILLE, ARKANSAS.

TO: The City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the alley hereinafter sought to be abandoned and vacated, lying in Block 3, of the Rose Hill Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley which is described as follows:

An alley twenty (20) feet in width running North and South through the center of Block Three (3) of Rose Hill Addition to the City of Fayetteville, Arkansas, with Lots one (1), two (2), three (3) and four (4) abutting said alley on the East and Lots five (5), six (6), seven (7) and eight (8) abutting said alley on the west.

That the Petitioners own the abutting real estate affected by said abandonment of the alley are lots south half of 2, 3, 4, 5, 6, 7 and the south half of 8 of block 3 of the Rose Hill Addition, City of Fayetteville has never been used by the public and that the public interest and welfare would not be adversely affected by the abandonment of the above described alley. Part of lot 1, the North ½ of lot 2 and the North ½ of lot 8 constitutes the only property not owned by petitioners. Subject property is owned by Donald and Suzanne Stanton, whose consent is enclosed herewith.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The Petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

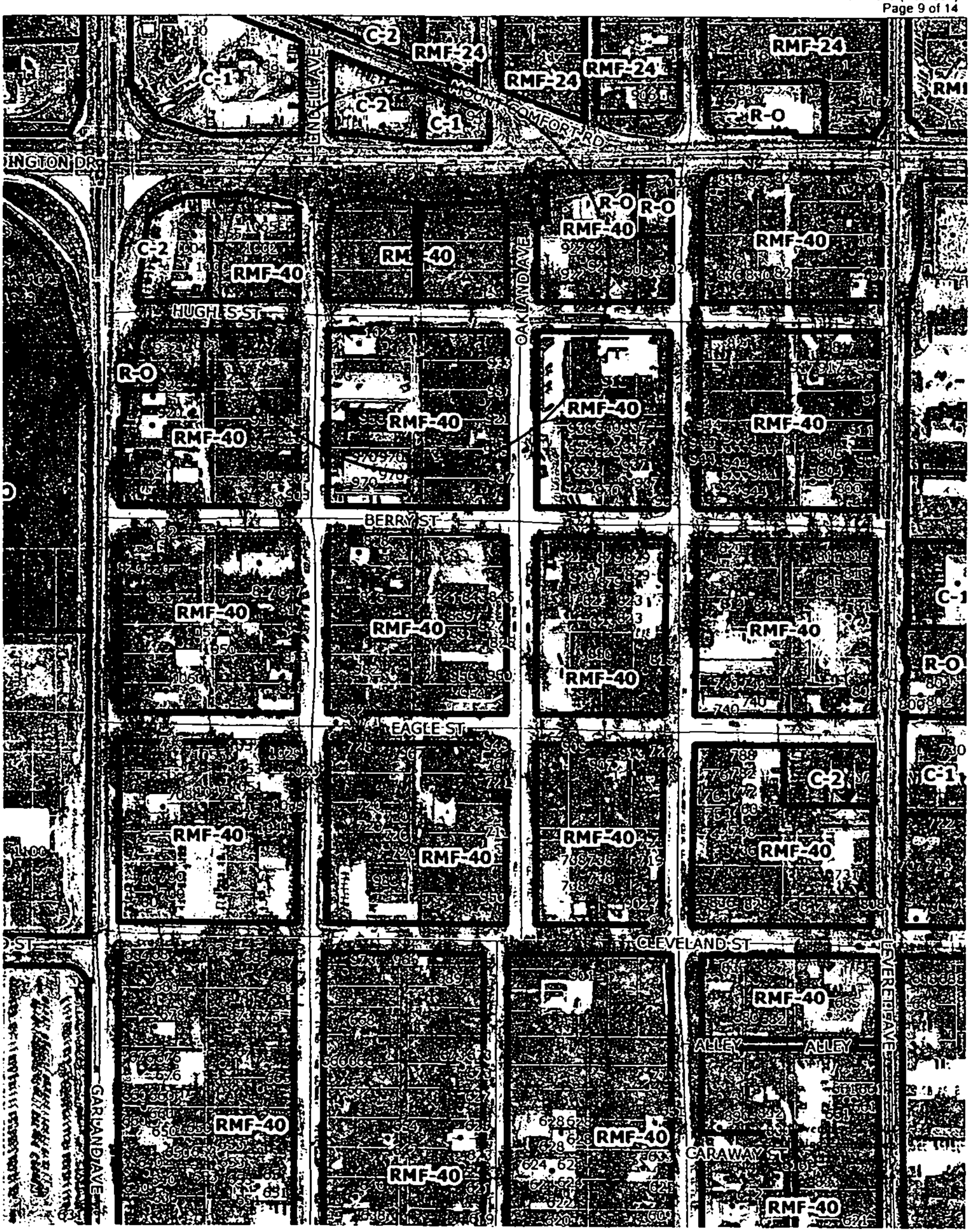
Dated this 4th day of October, 2004.

C.T. Pearson Jr
Printed Name

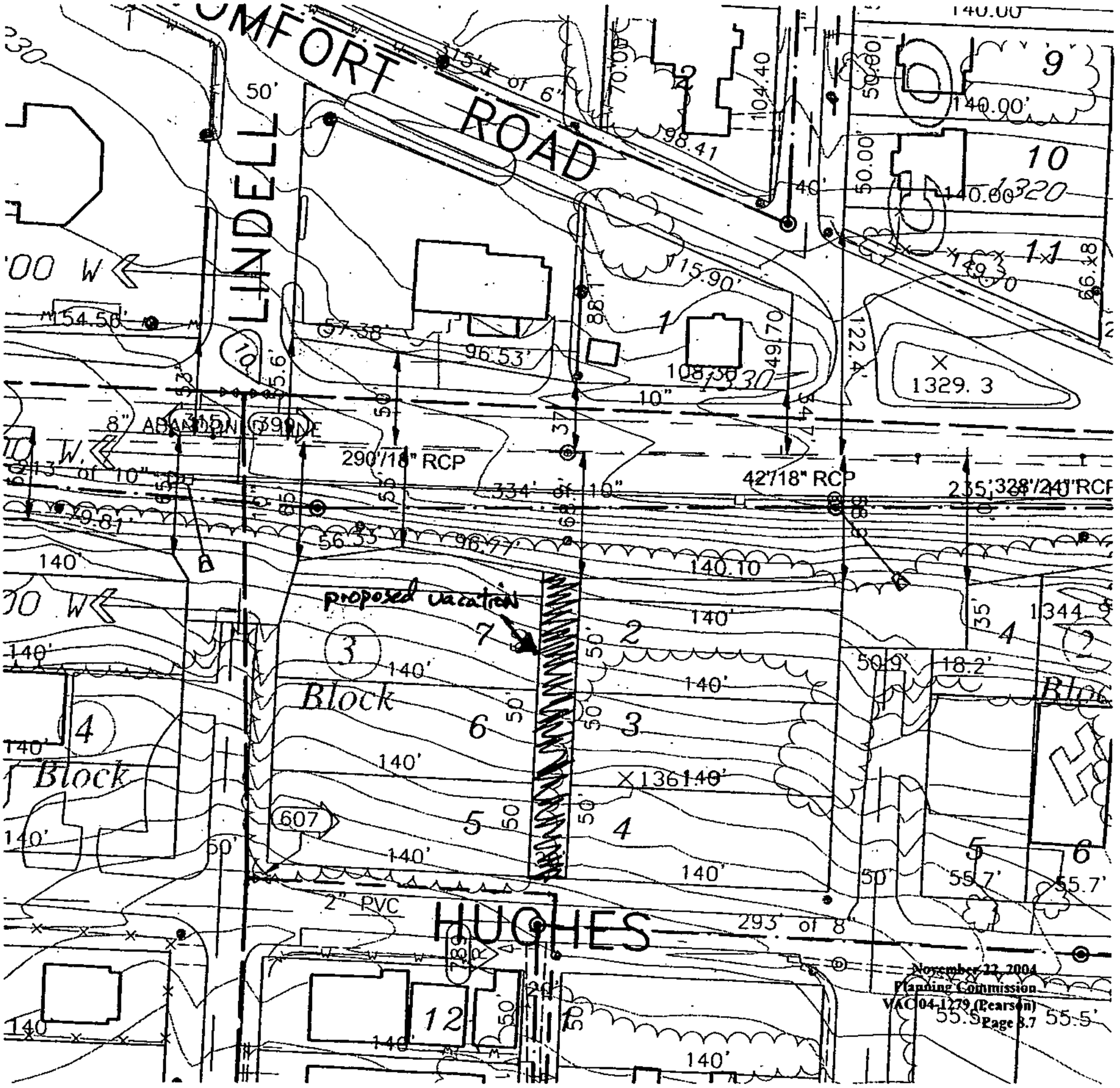
Signature

Printed Name

Signature


C-2
RMF-24
C-1
C-2
C-1
RMF-24
RMF-24
RMF-24
R-O
MOUNT COMFORT RD
ENGLEWAVE
INGTON DR
C-2
RMF-40
HUGH S ST
RM 40
OAKLAND AVE
R-O
R-O
RMF-40
RMF-40
R-O
RMF-40
RMF-40
RMF-40
RMF-40
BERRY ST
RMF-40
RMF-40
RMF-40
RMF-40
C-1
EAGLE ST
RMF-40
RMF-40
RMF-40
C-2
C-1
RMF-40
RMF-40
CLEVELAND ST
RMF-40
ALLEY
ALLEY
EVERETT AVE
GARLAND AVE
RMF-40
RMF-40
RMF-40
CARAWAY ST
RMF-40

NO SCALE


UMFORT ROAD
LINDELL
140.00'
9
10
140.00'
11
140.00'
98.41
104.40
15.90'
97.38'
96.53'
108.30'
49.70'
122.4'
1329. 3
154.50'
290'/18" RCP
42'/18" RCP
235'/24" RCP
334' of 10"
56.55'
96.77'
140.10
proposed vacation
140'
Block 6
Block 4
Block 3
Block 5
X1361
607
2" PVC
HUGHES
293' of 8"
18.2'
50.9'
55.7'
55.5'
November 22, 2004
Planning Commission
VAC 04-1279 (Pearson)
Page 8.7

LEGAL DESCRIPTION
DOWNTOWN MASTER PLAN TIF

A part of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of said Section 16, thence within the South line of said SE-NW-16-16-30, North 86° 45' 03" West 408.46 feet, to the Point of Beginning; thence within the right-of-way of University Avenue, North 02° 49' 02" East 1,331.51 feet; thence within the right-of-way of Dickson Street, North 87° 10' 57" West 127.82 feet; thence within the right-of-way of Arkansas Avenue, North 02° 46' 47" East 1,321.67 feet; thence within the right-of-way of Maple Street the following calls: South 87° 03' 24" East 265.41 feet, South 82° 03' 00" East 573.12 feet, South 88° 14' 40" East 338.91 feet, North 44° 56' 56" East 64.72 feet, South 87° 29' 08" East 637.21 feet, South 87° 02' 57" East 966.16 feet; thence within the right-of-way of Highland Avenue, South 02° 09' 20" West 1,325.31 feet; thence within the right-of-way of Dickson Street, North 87° 10' 57" West 176.50 feet; thence within the right-of-way of East Avenue, South 02° 52' 38" West 612.61 feet; thence within the right-of-way of Spring Street, North 87° 13' 07" West 643.98 feet; thence within the right-of-way of Church Avenue, South 02° 40' 32" West 2,032.40 feet; thence leaving said right-of-way, South 02° 41' 29" West 198.84 feet; thence South 60° 25' 38" West 2.16 feet; thence North 87° 10' 14" West 158.73 feet; thence North 02° 41' 10" East 54.44 feet; thence North 86° 50' 30" West 179.43 feet; thence South 87° 37' 43" West 60.38 feet; thence North 87° 10' 13" West 363.67 feet; thence South 03° 20' 12" West 150.00 feet; thence North 87° 10' 16' West 296.60 feet; thence North 66° 13' 32" West 64.31 feet; thence North 86° 59' 13" West 143.35 feet; thence South 14° 03' 07" East 181.25 feet; thence South 27° 04' 27" East 69.22 feet; thence South 02° 26' 40" West 76.27 feet; thence South 14° 04' 43" East 212.04 feet; thence South 12° 38' 47" East 22.41 feet; thence South 09° 29' 19" East 26.02 feet; thence South 06° 29' 25" East 21.60 feet; thence South 03° 15' 37" East 27.95 feet; thence South 00° 52' 39" West 36.63 feet; thence South 04° 28' 30" West 66.00 feet; thence within the right-of-way of Sixth Street, North 87° 29' 25" West 584.00 feet; thence the right-of-way of Government Avenue, North 01° 10' 03" East 505.85 feet; thence within the right-of-way of Prairie Street, South 89° 07' 07" East 72.61 feet; thence within the right-of-way of Gregg Avenue, North 03° 56' 17" East 309.01 feet; thence within the right-of-way of University Avenue the following calls: North 85° 52' 21" West 90.06 feet, North 03° 44' 49" East 19.44 feet, North 87° 12' 27" West 175.00 feet, North 02° 27' 00" East 1,466.22 feet, to the Point of Beginning and containing 226.578 acres, more or less.

The project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan and will include the improvement of blighted properties and public infrastructure. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas

2. Improvements to the streetscape in the target area

3. Continuation of trail corridors and development of the trail system

4. The location and construction of necessary infrastructure to support the Cultural and Arts District

The project plan doesn't propose to displace or relocate persons within the district. The adopted Downtown Master Plan does recommend new zoning districts within the project boundary which will be brought forward in 2005.

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

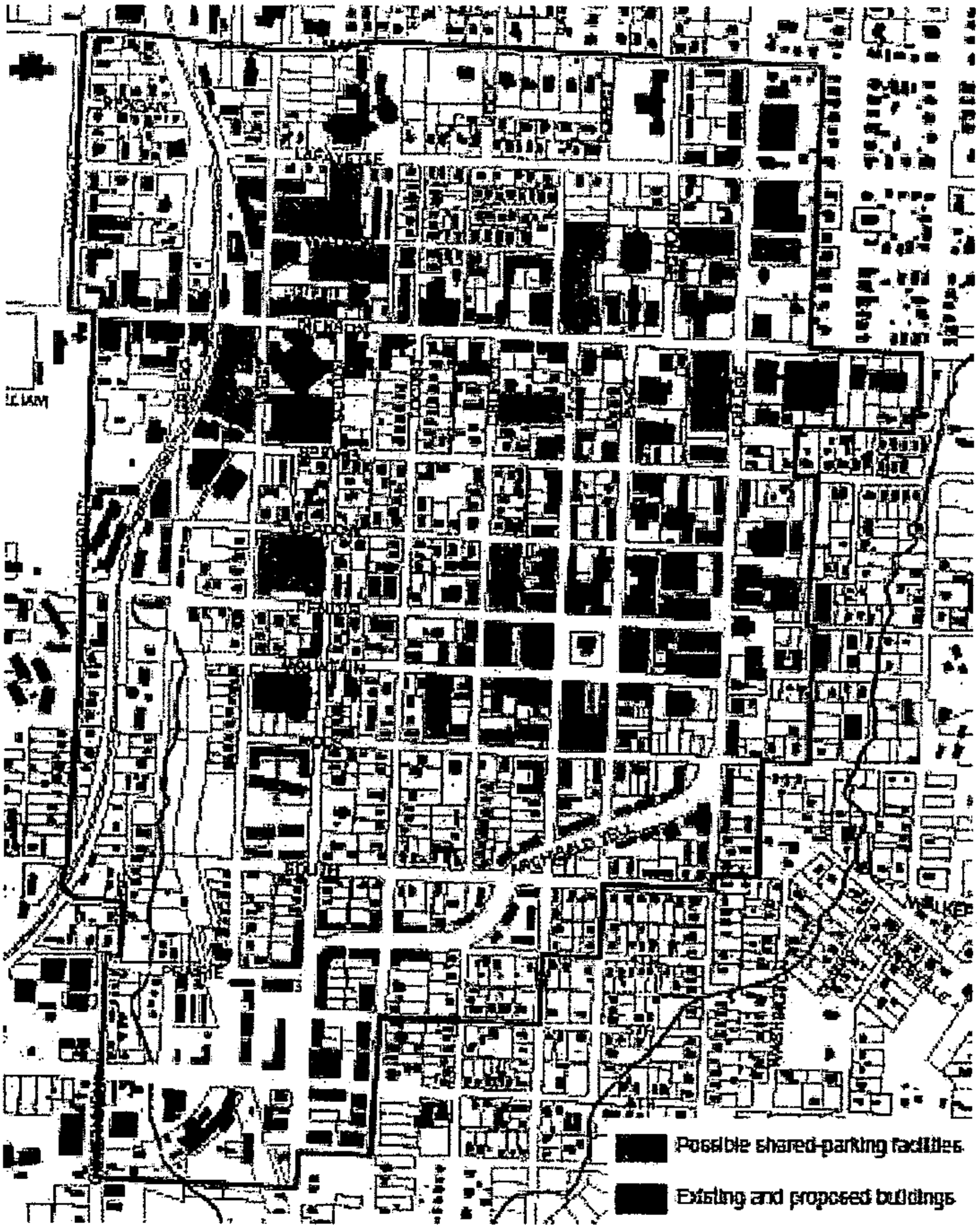
(Summarized from the Fayetteville Downtown Master Plan, Adopted September, 7 2004)

LOCATION AND CONSTRUCTION OF PARKING DECKS

When planning for the future of Downtown, the City must plan for an adequate supply of parking to accommodate future growth and development. Appropriate management of parking is necessary and must be handled differently in a downtown. Downtown is not a mall, strip shopping center, office park, or apartment complex. Downtown is a unique center of activity where parking, while important, is not the most important feature. In fact, **inappropriately designed surface parking lots and ill-fitting garages can blight the very character that is Downtown's calling card.** A downtown must have parking, but the City must handle parking in smart ways so that it does not dominate the entire environment.

An efficient method for handling parking Downtown is through the coordinated use of *shared parking decks*. Office uses may be able to use certain parking spaces during the day while these same spaces are then used by residents at night. Shared parking works in a mixed-use, park-once, pedestrian-friendly environment, all of which are key elements in the Downtown Master Plan.

Due to continued growth and redevelopment Downtown, **structured parking facilities will gradually need to be provided as part of public infrastructure.**



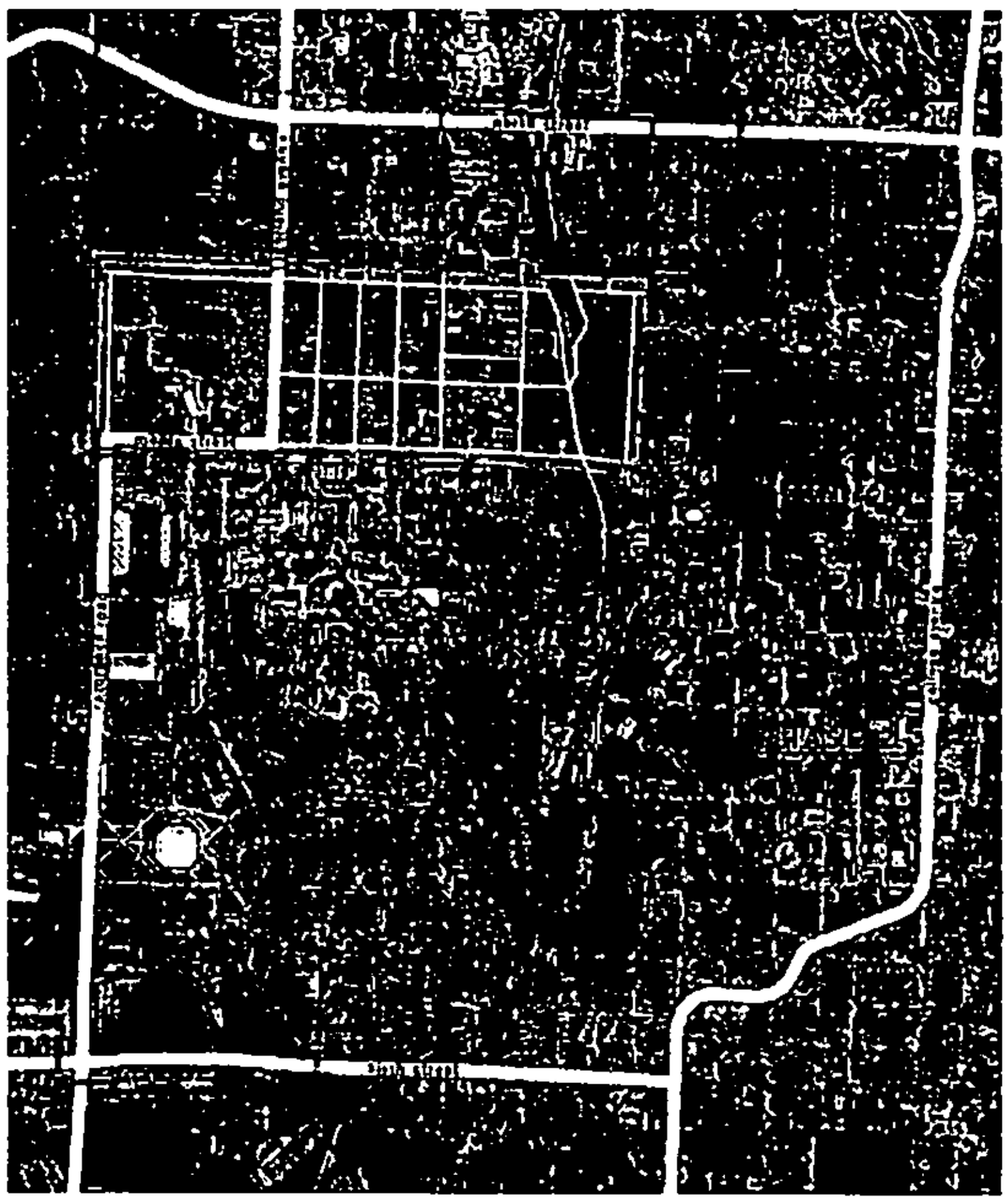
FAYETTEVILLE DOWNTOWN MASTER PLAN

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

PARKING DECKS

The University of Arkansas and City of Fayetteville are currently studying the feasibility of parking structures in downtown Fayetteville to serve student and merchant parking needs during the day. These decks would also be used in the evening and weekends by visitors and residents, including the Walton Arts Center and future housing. Planning for these parking structures is a cooperative effort between the University of Arkansas and the City of Fayetteville, and is based on the recommendations in the Fayetteville Downtown Master Plan.

UNIVERSITY OF ARKANSAS / CITY OF FAYETTEVILLE PARKING STUDY
PHASE 1B STUDY AREA



UA TRANSPORTATION STUDY
project boundaries

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

STREETSCAPE IMPROVEMENTS

This project plan provides recommendations for public streetscape improvements that would be a part of the Downtown Master Plan Redevelopment TIF District. These proposed recommendations were developed using the Downtown Master Plan and the Downtown Dickson Street Enhancement Project as a guide.

Transportation facilities and systems provide excellent tools to support the future vision for Downtown Fayetteville, as set by the community. Many components of the urban fabric, including transportation, combine to yield that special "sense of place" – that qualitative sense of comfort and value one feels in a given urban setting. The street is central to this experience as it forms the public realm within which we move, live and play out our daily lives. Pedestrians are especially sensitive to the quality of public space, since they move through it without the usual protection afforded by home or auto. This protection/separation from the outdoor environment, experienced by auto occupants, is often viewed as the safe mode of travel –an antidote to the gamble of experiencing the frequently harsh urban environment. The downside is the limited potential for healthy exercise, interaction with friends, enjoyment of nature, freedom from parking and other benefits central to the pedestrian experience. Travelers with a choice of riding or walking therefore must have an excellent "street" experience to encourage them to venture forth from modern automotive comfort.

The following prioritized features listed in reverse order contribute to an excellent pedestrian experience:

10. Narrower Streets
9. Street Trees
8. Lower Traffic Volumes
7. Sidewalks
6. Interconnected Streets
5. On-street Parking
4. Lower Traffic Speeds
3. Mixed Land Use
2. Buildings Fronting the Street
1. Small Block Size

These parameters have proven themselves successful in the field. When a majority of these are combined in one location, pedestrians are routinely seen. Fayetteville's walkable streets are no exception to this experience. Therefore, these concepts are applied to support walkability

Downtown.

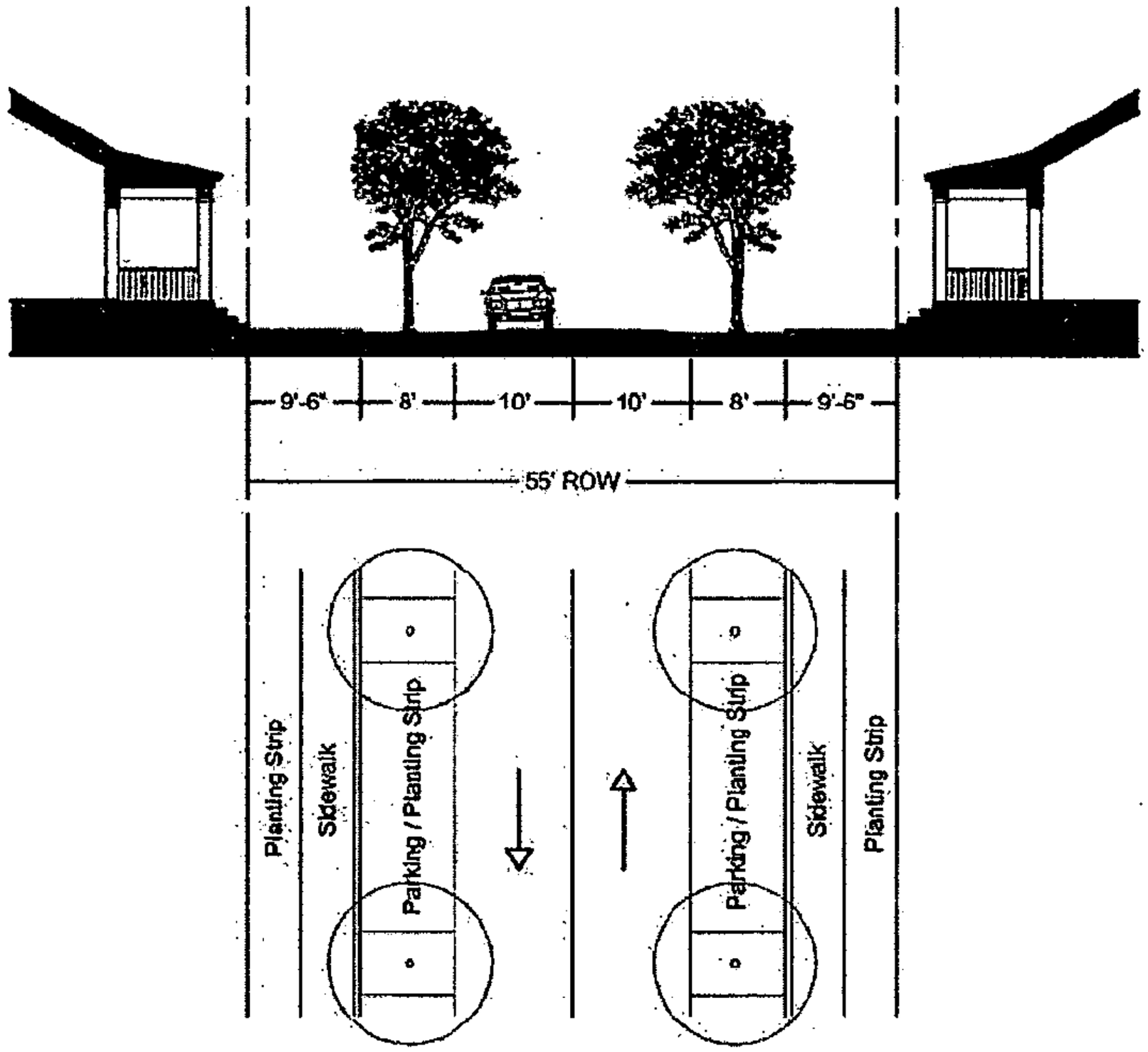
SIDEWALKS, STREET TREES, AND STREET LIGHTING

Sidewalks and their width must be effectively controlled through municipal codes and ordinances to achieve high quality walkability. Within the Downtown Master Plan Redevelopment District, sidewalks on both sides of each street (excluding Alleys and Lanes) should be the default. Justification should be submitted for an exception if absolutely necessary. Sidewalk width should vary by transect zone with wider sidewalks at the Regional Core and narrower sidewalks in the Neighborhood Conservation zone. Larger dimensions are specified to manage higher pedestrian volumes; eventually for two persons, side by side, to pass others walking in the opposite direction. A clear path dimension is required to avoid street furniture, utility poles and other objects placed within the sidewalk.

Street trees and lighting are two of the critical elements found in great street designs. They should not be viewed as "amenities" that may or may not be added, like accessories on a new car. For walkable streets, pedestrian comfort is essential, thus, these features must be included and should be in the design budgets. Similarly, street lighting should be comforting to pedestrians. Lighting should be decorative, and not exceeding 15 feet in height except in Core zones. Lighting should be designed so as to minimize glare and overhead sky glow. For example, typical "Cobra Lights" found on arterial roadsides are not appropriate for pedestrian friendly streets.

Dickson Street Before And After Sidewalk And Streetscape Improvements

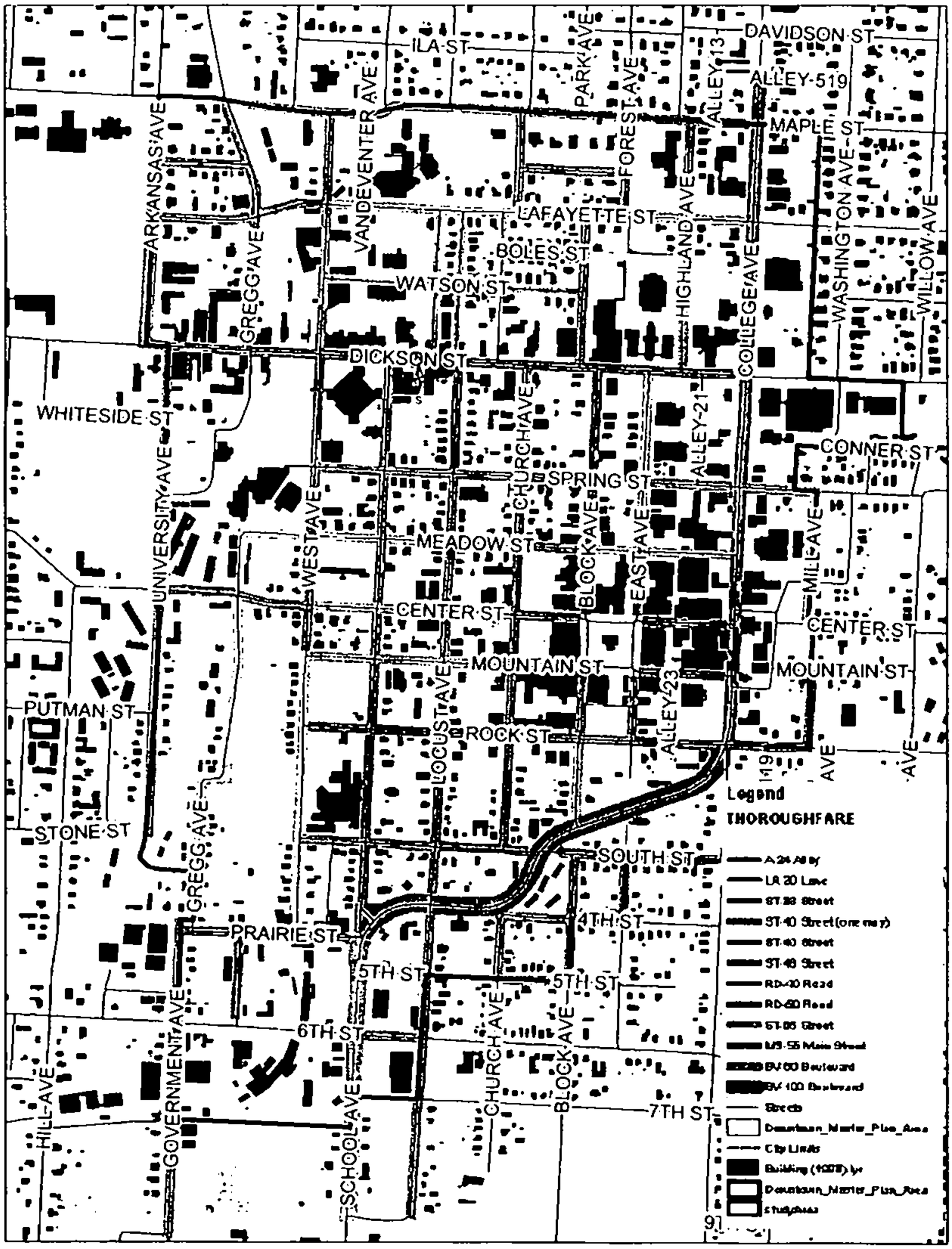
PROPOSED CONCEPT SECTIONS:



The following is a summary of improvements for the typical section that will be applied to identified streets within the Downtown Master Plan Redevelopment District:

- Replacement of existing sidewalks that would meet ADA requirements and the transect zone recommendations for width.
- Replacement of existing curb & gutter with historic type "stand-up" curb.
- Installation of trees at intervals of 30 feet including underground irrigation where appropriate.
- Installation of decorative street lights at intervals of 120 feet with underground electrical supply.

- Provide a minimum of two inch asphalt overlay.
- Replace existing drainage structures and storm pipes as necessary.



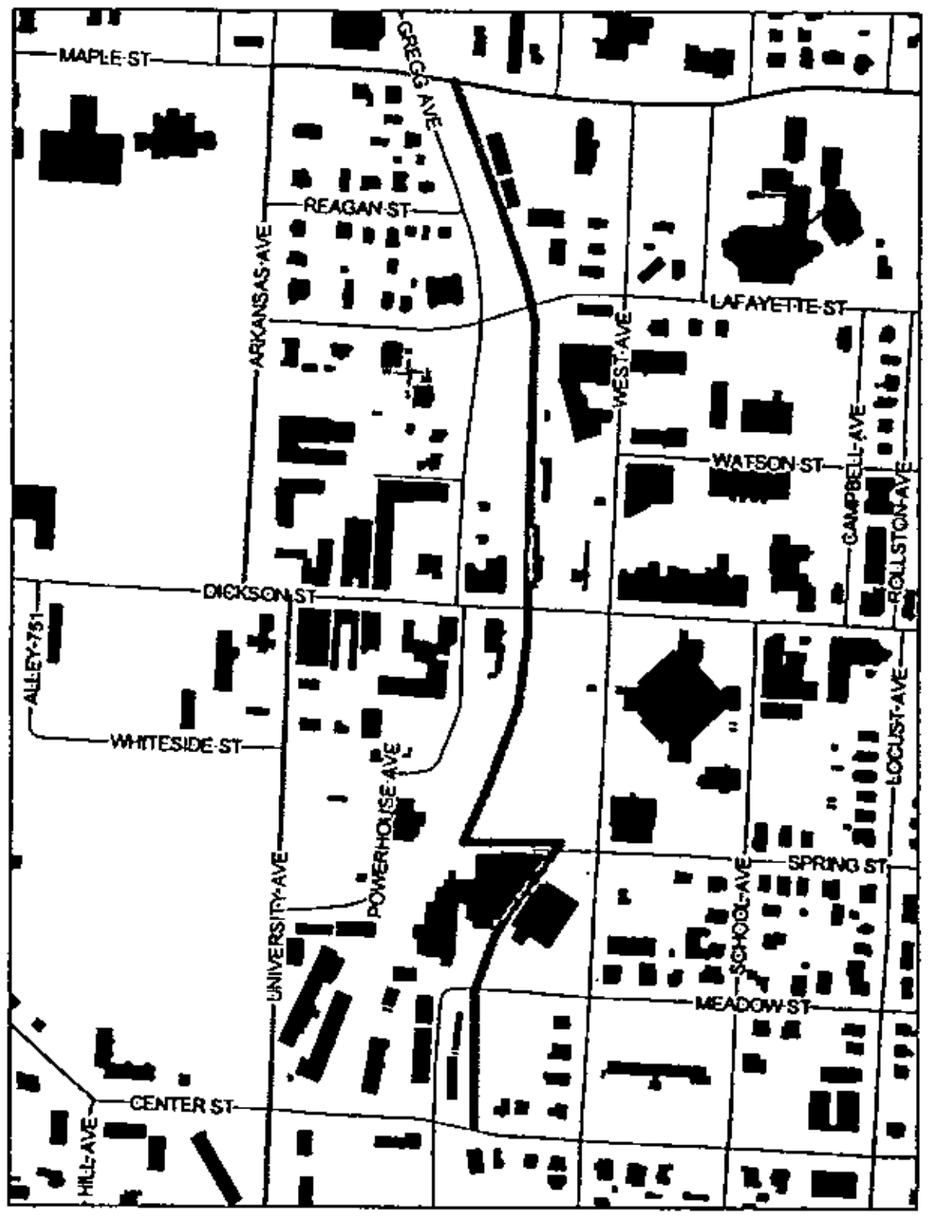
City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

CONTINUATION OF TRAIL CORRIDORS

In addition to Downtown streets and sidewalks, there is also a trail system which connects the Downtown to other areas of the City. The existing trails system is expanded in the 2003 *Fayetteville Alternative Transportation and Trail Master Plan.* Additional trails will further enhance the pedestrian connections throughout Downtown. On-street linkages are proposed for every major street in Downtown. Specific trail heads are identified along each trail, allowing easy access, managed parking (as necessary), and recreation facilities. The trail linkages further connect pedestrians with various Downtown activities.

As part of the the trail projects, sidewalk and pedestrian safety improvements along the active rail line will be included in the project. The implementation of the *Fayetteville Alternative Transportation and Trail Master Plan* is an important link in Fayetteville's trail network and the overall walkability strategy for Downtown.

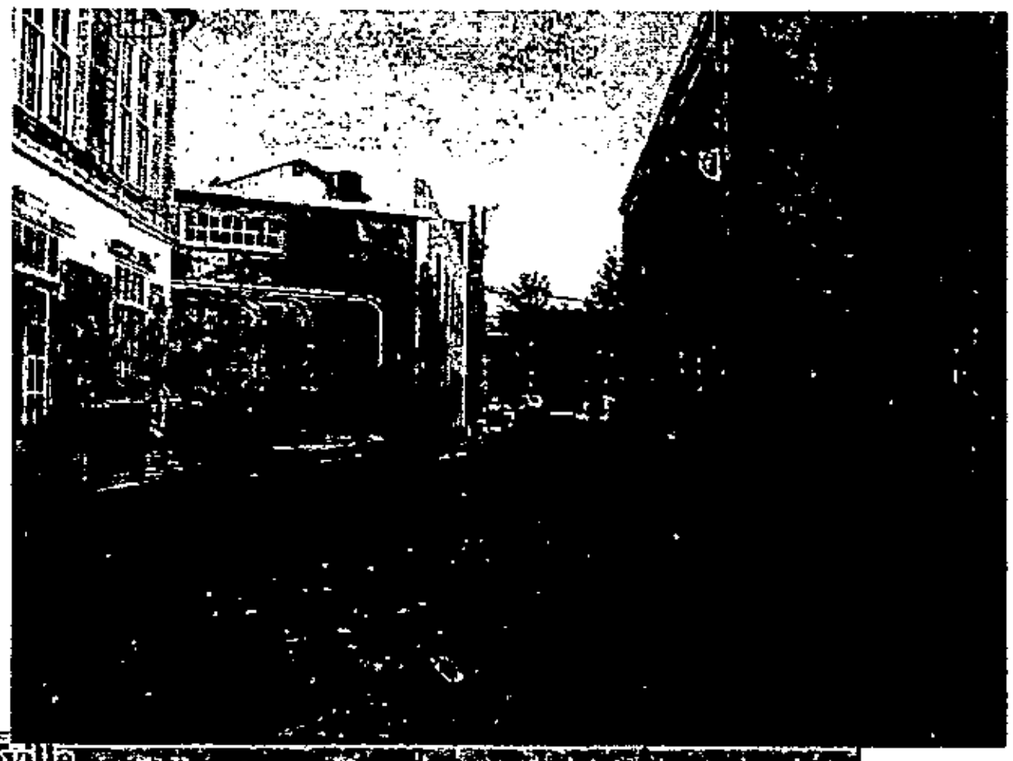


2. Center Prairie Trail

Proposed Trails (Fayetteville Alternative Transportation and Trail Plan)

Existing and Proposed Buildings

Green spaces



CULTURAL AND ARTS DISTRICT

Fayetteville has some things that many cities have lost — real downtown character and real downtown things to do. Through the course of change in the 20th Century and the rise of suburban sprawl, many residents and businesses vacated downtowns. While the economic engine of Downtown Fayetteville has evolved over time, however, there remains a solid constituency of residents and businesses. What draws people to downtown? It is the *experience* —-the high quality of life associated with living and working and being entertained in a downtown environment with so much to offer, including arts, culture, and fun. Therefore the City should continue to nurture these anchor functions. Downtown Fayetteville has already become Northwest Arkansas' premier home for the performing arts and cultural activity. Dickson Street has long been a marvel among college-town main streets, a hub for food, music and informal celebrating. These two phenomena should be recognized and embraced as vital parts of the modern Downtown's economic makeup, part of the lure of Downtown for the next generation of residents and investors.

Today the recognizable center of the arts district is roughly at the intersection of West Avenue and Dickson Street, anchored by the Walton Arts Center; other outposts of the arts such as the Nadine Baum Studios and galleries are located nearby, but these are separated by parking lots, vacant parcels, and assorted businesses. The entertainment scene is more tightly clustered and primarily linear, along Dickson Street, with some activity (including bars and restaurants) in the mid block areas and along perpendicular streets. This area lends itself to **expanded cultural facilities, vibrant evening activities, and efficiently-provided shared parking.** The Illustrative Master Plan depicts how a **2500-seat performance hall** can be added to the Walton Arts Center's south side, and how a **community parking facility** with "liners" of entertainment businesses and artist housing can be developed on the West Avenue parcel.

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT

ESTIMATED PROJECT COSTS

The Project scope for this redevelopment effort focuses on three elements which were identified in the recently adopted Downtown Master Plan. While it will be necessary to complete detailed engineering plans to address the actual cost of these elements, there is sufficient information available from similar projects to estimate total project costs.

PARKING DECKS

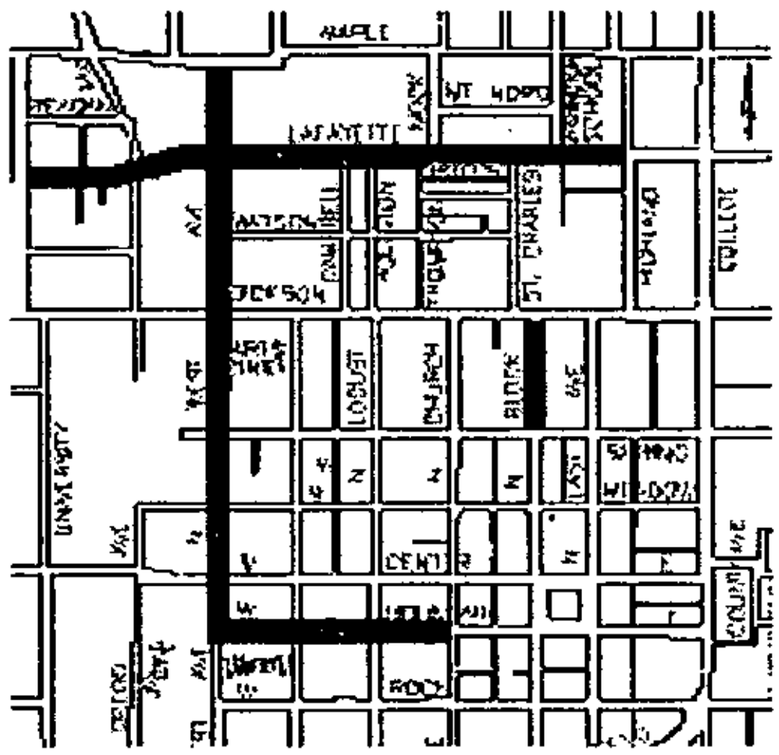
The project plan identifies a number of locations for the construction of decks. Over the past several years, the community has developed a consensus that the highest priority location for parking decks should be in an area that allows service to both the downtown and the University Campus.

The cost estimate for a 650 space deck is approximately $7,800,000. This number is derived from an industry average of $12,000 per space. As stated earlier, this number will be confirmed as part of the engineering work to be done as the first phase of this project.

STREETSCAPE

The adopted Downtown Master Plan recommends the installation of street and streetscape improvements as one of the key action items that is necessary to insure that this area remains a destination point for the region and state. The map as shown proposes improvements for some 1.4 miles of streets in the target area. The cost for this phase is estimated at $6,635,000. This figure is derived from the actual costs per linear foot incurred in the recently completed Dickson Street improvements. The streets identified as first priority are as follows:

- Lafayette Street
- West Avenue
- Mountain Street
- Block Avenue



TRAILS

The Fayetteville Alternative Transportation and Trail Plan includes a series of recommendations for a North/South Trail Corridor. The Downtown Master Plan Redevelopment District Project Plan proposes the construction of a trail beginning at the Nadine Baum studio and continuing to the project boundary at Maple Street. The cost for this 2,200 foot segment is estimated at $600,000. In addition, the engineering work will develop a strategy to incorporate "Silent Crossings" in the rail corridor through this area. Silent rail crossings enables trains to travel across public streets without having to utilize extremely loud air horns. The installation of crossing controls at principal intersections and the construction of fencing to protect the rail corridor itself will enhance pedestrian safety. The feasibility of grade separations of the trail itself at principal intersections will also be evaluated as part of the first phase engineering component.

Cost summary

Parking Deck	650 space deck	$7,800,000
Street streetscape improvements	1.4 miles	$6,635,000
Trails	2,200 feet	$600,000
Project overhead first year Engineering, legal, administration		$200,000
		$15,235,000

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

EXHIBIT No.1

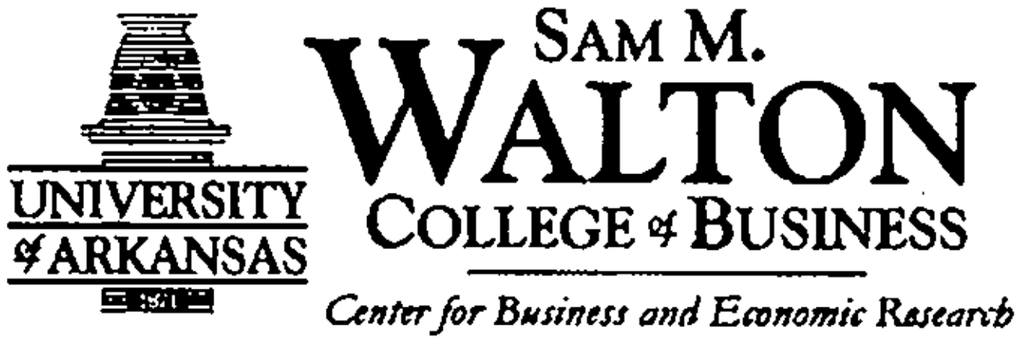
Economic Feasibility Study

City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

An Economic Forecast of Assessment Values in the Downtown Master Plan Redevelopment District

An Economic Forecast of Assessment Values in the Fayetteville Downtown Master Plan Tax Increment Financing District

Produced for the City of Fayetteville, Arkansas



Center for Business and Economic Research
Reynolds Center Building 217
Sam M. Walton College of Business
1 University of Arkansas
Fayetteville, Arkansas 72701-1201
(479) 575-4151
Contact: Dr. Jeffery T. Collins, Director
December 2004

The purpose of this study is to estimate the cash flows that will accrue to the Fayetteville Downtown Master Plan Tax Increment Financing District (FDMPD) as a result of the tax increment financing project that has the implementation of the Dover Kohl-produced Master Plan as its centerpiece. The FDMPD encompasses 672 parcels in the central part of Fayetteville, running from Maple Street in the north to 6th Street in the south and from Arkansas Avenue in the west to Highland Avenue in the east. The east and south boundaries of the FDMPD abut the East Square/Highway 71 Redevelopment District. The FDMPD contains most of the current Dickson Street entertainment venues, the Walton Arts Center, and the west side of the Fayetteville Square. The formation of the FDMPD was spurred by the desire to finance the infrastructure that will facilitate the implementation of the Downtown Master plan. Redevelopment of the area is seen as key to improving local property values and fostering economic activity in the central corridor of the city. Tax increment financing (TIF) was chosen as the appropriate tool for this private/public partnership.

Researchers at the Center for Business and Economic Research (CBER) in the Sam M. Walton College of Business at the University of Arkansas were asked to project the revenues that tax increment financing will provide for the FDMPD. The methodology employed was as follows. First, a copy of the property ownership report for the FDMPD was obtained from city of Fayetteville staff. This report included the identification of and 2004 assessed valuation numbers for the 672 parcels included in the Highway 71 East Square Redevelopment District. Supplementing this information, CBER researchers used the Washington County Assessor's online property search database to obtain the 2001-2003 assessment values for the same 672 parcels.

The collected data show that 286 of the parcels in the FDMPD are classified as Residential Improved, 173 of the parcels are classified as Commercial Improved, 70 of the parcels are exempt from property taxes (either as local or federal government properties or churches), and the remaining 140 parcels are a mix of commercial and residential vacant properties, public services, and miscellaneous usages. A total of 549 of the identified parcels had non-zero assessment values in 2004.

In 2004, the total assessed value of the parcels in the FDMPD was $15,083,761. In 2004, the year-on-year growth rate of the assessed value was 12.9 percent, while the median assessment growth rate was 10 percent. Of the 536 parcels with nonzero assessed values in both 2003 and 2004, 119 parcels had assessment growth rates of less than 10 percent, 269 had assessed values that grew at 10 percent, and 148 parcels had assessment growth rates of more than 10 percent. Only 13 parcels in the FDMPD had lower assessments in 2004 than in 2003.

Based on all of the previous information, CBER researchers have developed plausible revenue scenario for the FDMPD with and without the investments that would result from the creation of a TIF district. The first scenario is the most conservative and takes into consideration that owner-occupied residential property assessment growth is capped at 5 percent, that properties owned and occupied by residents over the age of 65 have frozen property assessments, and that all other property assessment growth is capped at 10 percent. In order to provide a conservative

estimate of the revenue that would be generated without a TIF district, a projection is made of the growth in assessed property values without any newly assessed properties. These revenue estimates do not capture the growth in assessments that will result from new construction, and as such, likely underestimate the true revenues that are likely to accrue to the district. Table 1 presents the revenue estimates by year for this conservative scenario without new construction.

Table 1 shows estimates of what the increment would be in each year. The total increment over 25 years is $1.1 trillion. A millage rate of 27.66 is applied to the increment to illustrate what the yield to a TIF district would be. The total yield under this scenario is almost $31 million. That yield is also discounted back for expected 3 percent annual inflation for a present value calculation. The present value is almost $18 million under these assumptions.

The estimates shown in Table 1 project out average growth rates that are lower than those that have been experienced in the past three years for the parcels in the FDMPD. In 2002, the growth rate in assessed valuation was 9.2 percent. The years 2003 and 2004 saw higher growth rates in assessed valuations at 18.9 and 12.9 percent, respectively. The three year average growth rate for these properties is 13.9 percent, but that number is heavily influenced by the extraordinary growth in 2003. It seems unlikely that such large increases in assessment values are likely to continue without significant investments in the infrastructure of the area. Therefore, an alternative scenario is presented that takes into account property value increases due to the investments that would be made using tax increment financing.

Table 2 presents these results. Years 2005 through 2007 have estimates identical to those in Table 1, as the assumption is that it would take three years for investments in the district to be made. In 2008, a 2.5 percent premium (amounting to a 12.0 percent growth rate) is added to account for new assessments. That premium is applied through 2017. From 2018 through the remaining life of the TIF district, growth rates are estimated to be 9.5 percent, approximating the estimates in Table 1. Again, a millage rate of 27.66 is applied to the increment to calculate the yield and annual inflation is assumed to be 3 percent.

Under the second scenario, the total increment is $1.45 trillion over 25 years. The available yield for the FDMPD is just over $40 million and the present value of that yield is $23.2 million.

Table 1: Estimates of Growth in FDMPD Assessed Valuations without TIF Investments

Weighted Estimates by Property Taxation Classification					
Total Available Increment: $1,119,146,735					
Total Available Yield: $30,955,599					
Net Present Value of Total Available Yield: $17,953,951					
Year	2005	2006	2007	2008	2009
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$16,461,934	$17,973,791	$19,632,493	$21,452,509	$23,449,742
Assessment Growth Rate	9.14%	9.18%	9.23%	9.27%	9.31%
Increment	$1,378,173	$2,890,030	$4,548,732	$6,368,748	$8,365,981
Available Yield	$38,120	$79,938	$125,818	$176,160	$231,403
PV of Available Yield	$37,010	$75,349	$115,141	$156,516	$199,610
Year	2010	2011	2012	2013	2014
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$25,641,675	$28,047,526	$30,688,422	$33,587,593	$36,770,574
Assessment Growth Rate	9.35%	9.38%	9.42%	9.45%	9.48%
Increment	$10,557,914	$12,963,765	$15,604,661	$18,503,832	$21,686,813
Available Yield	$292,032	$358,578	$431,625	$511,816	$599,857
PV of Available Yield	$244,572	$291,557	$340,729	$392,264	$446,350
Year	2015	2016	2017	2018	2019
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$40,265,441	$44,103,063	$48,317,378	$52,945,701	$58,029,063
Assessment Growth Rate	9.50%	9.53%	9.56%	9.58%	9.60%
Increment	$25,181,680	$29,019,302	$33,233,617	$37,861,940	$42,945,302
Available Yield	$696,525	$802,674	$919,242	$1,047,261	$1,187,867
PV of Available Yield	$503,185	$562,979	$625,959	$692,363	$762,447
Year	2020	2021	2022	2023	2024
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$63,612,578	$69,745,851	$76,483,430	$83,885,294	$92,017,397
Assessment Growth Rate	9.62%	9.64%	9.66%	9.68%	9.69%
Increment	$48,528,817	$54,662,090	$61,399,669	$68,801,533	$76,933,636
Available Yield	$1,342,307	$1,511,953	$1,698,315	$1,903,050	$2,127,984
PV of Available Yield	$836,481	$914,757	$997,581	$1,085,283	$1,178,213
Year	2025	2026	2027	2028	2029
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$100,952,265	$110,769,654	$121,557,267	$133,411,551	$146,438,568
Assessment Growth Rate	9.71%	9.72%	9.74%	9.75%	9.76%
Increment	$85,868,504	$95,685,893	$106,473,506	$118,327,790	$131,354,807
Available Yield	$2,375,123	$2,646,672	$2,945,057	$3,272,947	$3,633,274
PV of Available Yield	$1,276,746	$1,381,278	$1,492,236	$1,610,073	$1,735,272

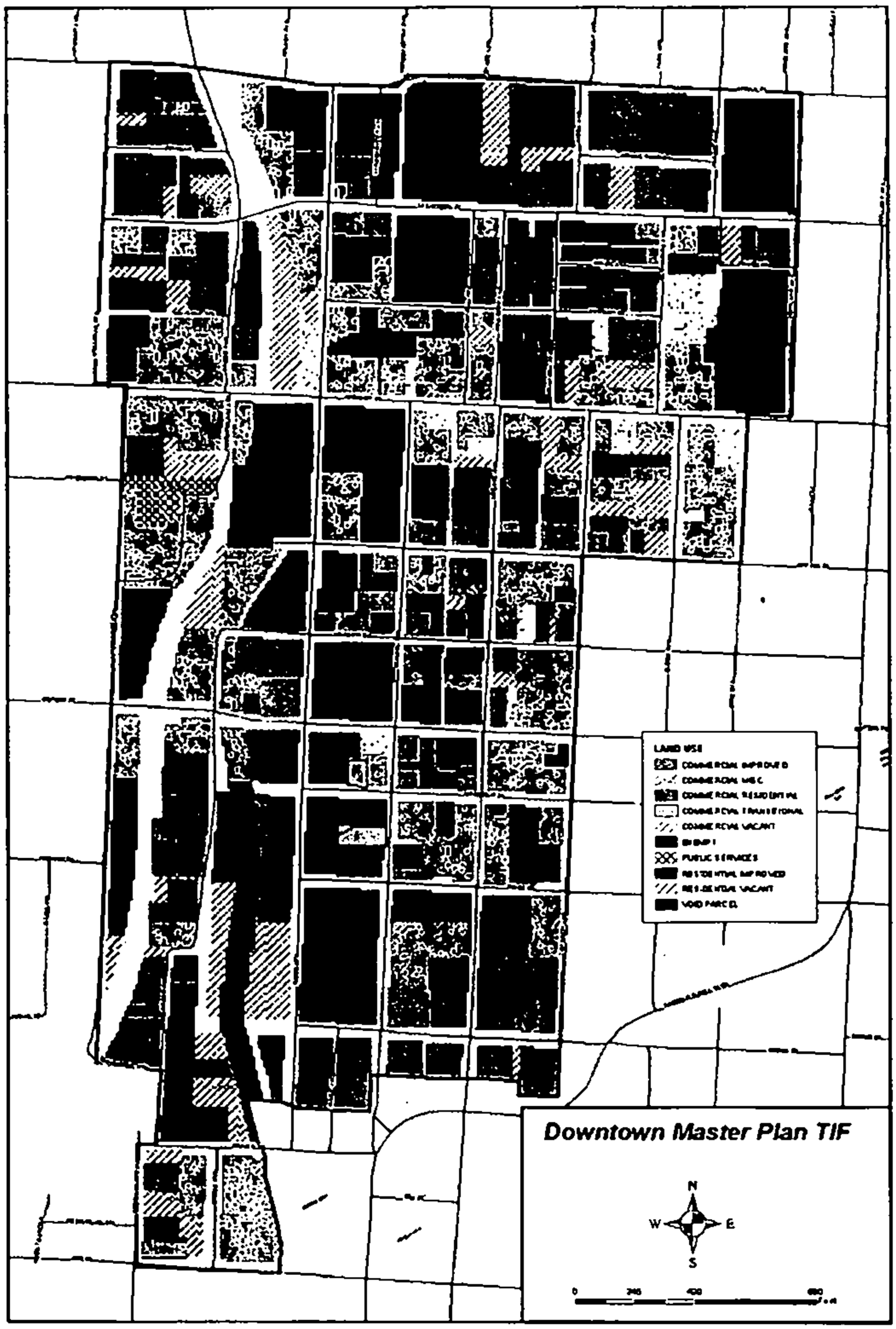
Table 2: Estimates of Growth in FDMPD Assessed Valuations with TIF Investments

Weighted Estimates by Property Taxation Classification					
Total Available Increment: $1,448,463,219					
Total Available Yield: $40,064,493					
Net Present Value of Total Available Yield: $23,226,059					
Year	2005	2006	2007	2008	2009
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$16,461,934	$17,973,791	$19,632,493	$21,988,822	$24,627,480
Assessment Growth Rate	9.14%	9.18%	9.23%	12.00%	12.00%
Increment	$1,378,173	$2,890,030	$4,548,732	$6,905,061	$9,543,719
Available Yield	$38,120	$79,938	$125,818	$190,994	$263,979
PV of Available Yield	$37,010	$75,349	$115,141	$169,696	$227,711
Year	2010	2011	2012	2013	2014
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$27,582,778	$30,892,711	$34,599,837	$38,751,817	$43,402,035
Assessment Growth Rate	12.00%	12.00%	12.00%	12.00%	12.00%
Increment	$12,499,017	$15,808,950	$19,516,076	$23,668,056	$28,318,274
Available Yield	$345,723	$437,276	$539,815	$654,658	$783,283
PV of Available Yield	$289,537	$355,545	$426,135	$501,741	$582,836
Year	2015	2016	2017	2018	2019
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$48,610,279	$54,443,513	$60,976,734	$66,769,524	$73,112,629
Assessment Growth Rate	12.00%	12.00%	12.00%	9.50%	9.50%
Increment	$33,526,518	$39,359,752	$45,892,973	$51,685,763	$58,028,868
Available Yield	$927,343	$1,088,691	$1,269,400	$1,429,628	$1,605,078
PV of Available Yield	$669,933	$763,586	$864,399	$945,153	$1,030,239
Year	2020	2021	2022	2023	2024
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$80,058,329	$87,663,870	$95,991,938	$105,111,172	$115,096,733
Assessment Growth Rate	9.50%	9.50%	9.50%	9.50%	9.50%
Increment	$64,974,568	$72,580,109	$80,908,177	$90,027,411	$100,012,972
Available Yield	$1,797,197	$2,007,566	$2,237,920	$2,490,158	$2,766,359
PV of Available Yield	$1,119,953	$1,214,610	$1,314,542	$1,420,102	$1,531,666
Year	2025	2026	2027	2028	2029
Frozen Assessment	$15,083,761	$15,083,761	$15,083,761	$15,083,761	$15,083,761
Total Assessment	$126,030,923	$138,003,860	$151,114,227	$165,470,079	$181,189,736
Assessment Growth Rate	9.50%	9.50%	9.50%	9.50%	9.50%
Increment	$110,947,162	$122,920,099	$136,030,466	$150,386,318	$166,105,975
Available Yield	$3,068,798	$3,399,970	$3,762,603	$4,159,686	$4,594,491
PV of Available Yield	$1,649,630	$1,774,419	$1,906,480	$2,046,290	$2,194,355

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

EXHIBIT No.2

Existing Uses and Conditions Map



City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

EXHIBIT No.3

Assessor's Certification

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College – Suite 250
Fayetteville, Arkansas 72701

LEE ANN KIZZAR
COUNTY ASSESSOR

TELEPHONE
479/444-1500

November 20, 2004

Mr. Hugh Earnest
City of Fayetteville
113 W. Mountain
Fayetteville AR 72701

Dear Mr. Earnest,

Please accept this letter and its attachments as the assessor's certification required by ACA 14-168-306(b)(5) for the approval of the Downtown Master Plan Redevelopment District Project Plan.

The assessed value of all real property within the redevelopment district subject to ad valorem taxation, also known as the **Base Value** as of January 1, 2004, is:

15,083,761.

The rolled back total millage rate of Washington County, the Fayetteville School District, and the City of Fayetteville, also known as the **Total Ad Valorem Rate**, is:

51.91.

The portion of the total ad valorem rate that was, at January 1, 2001, pledged to the payment of debt service by the Fayetteville School District, also known as the **Debt Service Ad Valorem Rate**, is:

23.7.

The total rolled back ad valorem rate less the debt service ad valorem rate, also known as the **Applicable Ad Valorem Rate**, is:

28.21.

Attached is the certification from the Fayetteville School District of the debt service ad valorem rate, a copy of the most recent millage ordinance detailing levied ad valorem millage rates for all taxing entities in Washington County with the pertinent items marked with an asterisk, and a report from the assessor's database detailing the appraised and assessed value of each parcel in the redevelopment district along with totals for the entire district. Also included is a copy of the rollback forms for Washington County and the Fayetteville School District to show the rolled back millages.

Sincerely,

Lee Ann Kizzar

27

FILED
'03 NOV 17 PM 4 10
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

ORDINANCE NO. 2003-53

APPROPRIATION ORDINANCE:

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE YEAR 2003.

WHEREAS, Article 7, Section 30, of the Constitution of the State of Arkansas requires the Justices of the Peace of each county to "sit with and assist the County Judge in levying the county taxes"; and,

WHEREAS, A.C.A. 14-14-904 provides that "The Quorum Court, at its regular meeting in November of each year, shall levy the county, municipal, and school taxes for the current year."

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The following taxes are hereby levied for the Year 2003 for Washington County, Arkansas:

	REAL ESTATE/ PERSONAL PROPERTY
(A) County General	5.0 mills *
(B) County Road	1.16 mills *
(C) County Library	1.0 mills*

* To be collected throughout the County except for property within the City Limits of Fayetteville.

ARTICLE 2. The following taxes are hereby levied for the Year 2003 for the respective municipalities within Washington County, Arkansas:

	REAL ESTATE/ PERSONAL PROPERTY
(A) Fayetteville	1.8 mills** *
(B) Springdale	5.7 mills
(C) Elkins	5.0 mills
(D) Greenland	2.9 mills
(E) West Fork	5.0 mills
(F) Winslow	3.0 mills
(G) Farmington	5.0 mills

ORDINANCE NO. 2003-53
PAGE 2

(H) Tontitown	2.0 mills
(I) Elm Springs	5.0 mills
(J) Johnson	5.0 mills
(K) Prairie Grove	9.5 mills
(L) Lincoln	6.5 mills
(M) Goshen	0.0 mills

** 1.0 mill is a library millage and is to be collected only inside the City Limits of Fayetteville; .6 mill is for all other legal purposes

ARTICLE 3. The following taxes are hereby levied for the Year 2003 for the respective school districts within Washington County, Arkansas:

	REAL ESTATE/ PERSONAL PROPERTY		
	Debt	M & O	Total
(A) Fayetteville, #1	20.0 mills	25.0 mills	45.0 mills *
(B) Farmington, #6	16.35 mills	25.0 mills	41.35 mills
(C) Elkins, #10	15.5 mills	25.0 mills	40.5 mills
(D) Winslow, #20	8.0 mills	25.0 mills	33.0 mills
(E) Prairie Grove, #23	13.2 mills	25.0 mills	38.2 mills
(F) Lincoln, #48	10.0 mills	25.0 mills	35.0 mills
(G) Springdale, #50	15.0 mills	25.0 mills	40.0 mills
(H) Greenland, #95	13.0 mills	25.0 mills	38.0 mills
(I) West Fork, #141	14.0 mills	25.0 mills	39.0 mills
(J) Benton County, #21	7.7 mills	25.0 mills	32.7 mills

ARTICLE 4. The levy of taxes for 2003 is in accordance with certifications of the municipalities and school districts filed in the Office of the Washington County Clerk.

JERRY HUNTON, County Judge — 11-17-03 DATE

KAREN COMBS PRITCHARD, County Clerk

Sponsor: Kurt Anderson
Date of Passage: November 13, 2003
Votes For: 11 Votes Against: 1
Abstentions: 0 Absent: 1

CERTIFICATE
I CERTIFY THAT THIS INSTRUMENT IS A TRUE COPY OF THE Ordinance ON FILE IN THIS OFFICE. DATE 9-28-04
Karen Combs Pritchard - County Clerk
D.C.

Fayetteville Public Schools

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

September 21, 2004

Ms. Lee Ann Kizzar
County Assessor
Washington County Courthouse
280 North College – Suite 360
Fayetteville, AR 72701

Dear Ms. Kizzar:

Please be informed that the Fayetteville School Districts millage structure at January 1, 2001 was as follows:

19.3 mills General Maintenance & Operation
23.7 mills Debt Service
1.0 mill Capital Outlay
44.0 mills

I have attached the school ballot from that election for your reference. Please call me if you have any questions.

Thank you,

Lisa Z. Morstad

Lisa Z. Morstad

1000 West Stone Street PO Box 849 Fayetteville, Arkansas 72702 (501) 444-3000

ANNUAL SCHOOL ELECTION BALLOT

A FAYETTEVILLE SCHOOL | B WASHINGTON COUNTY | C SEPTEMBER 19, 2000

DISTRICT NO. 1

INSTRUCTIONS TO VOTER

1. To vote you must blacken the Oval (⬬) completely next to the candidate of your choice.
2. Use only the pencil provided.
3. After voting, deposit ballot in ballot box.

School Board Director. - 3yr. Pos 2

⬭ Howard Hamilton (Unopposed)

School Board Director. - 3yr. Pos 6

⬭ Pam Grondin (Unopposed)

School Tax
44.0 Mills

The total rate proposed above includes the uniform rate of 25.0 mills (the Statewide Uniform Rate) to be collected on all taxable property in the State and remitted to the State Treasurer pursuant to Amendment No. 74 to the Arkansas Constitution to be used solely for maintenance and operation of schools in the State. As provided in Amendment No. 74, the Statewide Uniform Rate replaces a portion of the existing rate of tax levied by this school District and available for maintenance and operation of the schools in this District. The total proposed school tax levy of 44.0 mills includes 18.3 mills for general maintenance and operation, 1.0 mill for current expenditures/dedicated maintenance and operation expenditures dedicated specifically for the purposes of purchasing school buses, purchasing furniture and equipment, purchasing computer software and remodeling and repairing existing facilities, and 19.7 mills for debt service as a continuing levy pledged for the retirement of existing bonded indebtedness. The 19.7 debt service mills are allocated as follows: 3.0 mills is a continuing levy dedicated exclusively to the retirement of the District's Bonds dated November 1, 1997 and May 1, 1998, and 20.7 mills is a continuing levy pledged for the retirement of all other existing bonded indebtedness. The surplus revenues produced by the 19.7 debt service mills may be used by the District for other school purposes.

If the proposed school tax levy is Approved by the electors, then the total school tax rate shall be 44.0 mills (this being the effect of such approval not withstanding the results of the litigation referred to below). If the proposed school tax levy is not approved by the electors, then the total school tax rate shall be a lower rate determined in accordance with pending litigation in the Circuit Court of Washington County, Arkansas (the "Court") involving the rollback provisions of Amendment No. 59 to the Arkansas Constitution, in which the Court has ruled that the rollback provisions of Amendment No. 59 have been triggered (the "Rollback Millage Rate"). The total proposed tax levy of 44.0 mills represents an increase in total mills equal to the difference between the proposed levy of the 44.0 mills and the lower Rollback Millage Rate.

⬭ FOR TAX

⬭ AGAINST TAX

Fayetteville Downtown Master Plan TIF district

Parcel ID	Type	Total Appraised	Total Assessed
765-01653-000	CM	186,850	25,926
765-01654-000	CI	985,300	148,334
765-01677-000	CV	160,000	11,440
765-01678-000	RI	85,950	14,459
765-01679-000	CV	80,000	10,450
765-01680-000	CI	182,000	30,007
765-01681-000	CV	180,000	29,700
765-01682-000	RI	158,650	24,151
765-01683-000	CI	138,800	25,333
765-01684-000	CI	296,550	27,957
765-01685-000	CI	264,200	49,477
765-01686-000	CV	116,150	7,951
765-01687-000	CV	21,100	1,444
765-01688-000	CI	337,950	44,200
765-01690-000	CV	58,000	6,163
765-01691-000	RI	112,250	17,760
765-01692-000	RI	157,050	27,317
765-01693-000	RI	122,450	14,813
765-01694-000	RI	87,150	13,900
765-01695-000	CI	476,400	69,155
765-01696-000	RI	134,650	15,044
765-01697-000	RI	65,850	10,053
765-01698-000	RI	57,050	7,402
765-01699-000	RI	86,650	12,740
765-01700-000	CR	102,400	12,601
765-01701-000	RI	76,950	12,572
765-01702-000	CR	287,950	52,426
765-01703-000	CM	90,150	11,341
765-01704-000	CR	239,500	36,594
765-01705-000	CI	207,750	28,984
765-01706-000	CI	458,650	74,419
765-01707-000	CI	634,200	92,444
765-01708-000	CM	71,800	12,177
765-01709-000	CI	270,550	24,574
765-01710-000	CT	69,000	7,445
765-01711-000	CV	50,400	8,129
765-01712-000	RI	78,800	9,621
765-01713-000	EX	0	0
765-01714-000	RI	92,550	13,566
765-01715-000	RI	163,750	20,203
765-01716-000	EX	0	0
765-01717-000	CR	134,600	16,130
765-01718-000	RI	56,250	8,850
765-01719-000	RI	199,550	31,021
765-01721-000	RI	169,450	28,940
765-01726-000	EX	0	0
765-01733-000	EX	0	0
765-01736-000	CI	805,300	127,523
765-01739-000	EX	0	0
765-01740-000	EX	0	0
765-01741-000	CI	504,900	55,567
765-01742-000	EX	0	0
765-01743-000	CI	1,356,950	231,535
765-01743-002	EX	0	0
765-01743-003	EX	0	0
765-01744-000	ET	0	0
765-01745-000	PS	0	0
765-01745-001	EX	0	0
765-01745-002	EX	0	0

Parcel ID	Type	Total Appraised	Total Assessed
765-01746-000	EX	0	0
765-01747-000	CR	213,300	38,223
765-01748-000	RI	155,950	16,052
765-01749-000	RI	87,700	16,403
765-01750-000	ET	0	0
765-01751-000	ET	0	0
765-01752-000	ET	0	0
765-01753-000	EX	0	0
765-01754-000	RI	133,500	20,861
765-01755-000	CI	148,000	23,724
765-01756-000	CR	351,850	29,284
765-01757-000	CR	95,600	13,927
765-01758-000	RI	128,400	19,900
765-01759-000	RI	87,150	15,530
765-01760-000	CI	93,350	12,999
765-01761-000	CR	197,600	39,520
765-01762-000	CI	179,650	24,123
765-01763-000	RI	116,100	14,629
765-01764-000	CI	153,700	28,754
765-01765-000	CI	151,800	27,092
765-01766-000	RI	259,400	47,498
765-01767-000	CR	269,800	48,671
765-01768-000	RI	107,700	15,101
765-01769-000	RV	20,000	2,816
765-01770-000	RI	90,650	8,990
765-01771-000	RI	74,650	10,167
765-01772-000	CR	174,550	32,742
765-01773-000	RI	71,300	9,796
765-01774-000	CI	671,000	134,200
765-01774-001	CM	83,500	12,111
765-01775-000	CI	139,050	27,137
765-01776-000	RI	192,300	22,618
765-01777-000	CV	18,160	2,189
765-01777-001	RI	90,900	14,257
765-01778-000	CR	286,400	41,588
765-01779-000	CI	100,050	17,646
765-01856-000	CI	412,450	68,990
765-01857-000	CI	161,850	26,727
765-01858-000	RI	187,750	27,856
765-01859-000	CI	118,200	15,378
765-01860-000	RI	73,100	12,197
765-01861-000	RI	64,400	6,090
765-01862-000	CM	76,550	12,325
765-01863-000	RI	171,850	25,333
765-01864-000	CM	66,550	11,484
765-01865-000	CI	482,350	49,325
765-01866-000	CI	290,200	49,940
765-01867-000	CI	123,500	12,727
765-01868-000	RI	154,700	23,824
765-01869-000	ET	0	0
765-01870-000	ET	0	0
765-01871-000	ET	0	0
765-01872-000	ET	0	0
765-01873-000	EX	0	0
765-01874-000	CI	48,050	7,865
765-01875-000	CI	41,850	7,021
765-01876-000	RI	78,550	13,695
765-01877-000	RI	437,050	85,102
765-01878-000	CI	106,850	19,118
765-01879-000	EX	0	0
765-01880-000	RI	112,000	16,103
765-01881-000	RI	163,450	17,139

Parcel ID	Type	Total Appraised	Total Assessed
765-01882-000	CR	276,150	45,624
765-01882-001	CI	445,900	89,180
765-01883-000	CR	231,000	46,200
765-01884-000	RI	75,350	12,735
765-01885-000	RV	500	100
765-01886-000	CI	75,700	9,482
765-01887-000	CI	88,050	7,894
765-01888-000	RI	54,950	9,324
765-01889-000	RI	62,650	8,451
765-01890-000	RI	47,050	7,536
765-01891-000	RI	86,500	14,850
765-01892-000	RI	107,000	17,586
765-01893-000	RI	100,500	13,002
765-01894-000	RI	86,000	15,389
765-01895-000	CM	135,200	12,598
765-01896-000	RI	100,950	15,766
765-01897-000	RI	137,550	18,690
765-01898-000	RI	137,350	17,593
765-01899-000	RI	79,750	7,899
765-01900-000	CV	58,400	3,080
765-01901-000	CI	55,450	6,907
765-01902-000	RI	65,450	9,162
765-01903-000	CI	209,500	28,929
765-01904-000	RI	436,350	55,159
765-01905-000	CR	246,900	27,478
765-01906-000	CR	228,650	22,765
765-01907-000	RI	174,150	31,856
765-01908-000	RI	125,650	17,576
765-01909-000	EX	0	0
765-01910-000	RI	55,350	7,136
765-01911-000	EX	0	0
765-01912-000	RI	52,750	10,550
765-01913-000	CI	112,650	12,627
765-01914-000	ET	0	0
765-01915-000	CI	95,400	17,578
765-01916-000	CI	362,450	37,752
765-01917-000	CI	435,500	60,380
765-01994-000	CI	294,300	52,613
765-01995-000	CI	218,100	29,835
765-01996-000	EX	0	0
765-01997-000	EX	0	0
765-01998-000	EX	0	0
765-01999-000	CI	208,650	41,173
765-01999-001	CI	141,000	20,933
765-02000-000	CI	340,350	47,018
765-02001-000	CI	285,650	40,865
765-02002-000	RI	471,650	78,977
765-02003-000	CI	341,350	56,049
765-02004-000	CI	334,350	39,344
765-02005-000	CI	324,800	60,665
765-02006-000	RI	72,500	7,305
765-02007-000	CR	185,600	37,120
765-02008-000	RI	67,700	10,978
765-02010-000	CT	146,050	26,950
765-02020-000	RI	98,700	10,915
765-02021-000	EX	0	0
765-02022-000	RI	49,400	4,730
765-02023-000	RI	79,850	10,608
765-02024-000	RI	65,550	7,635
765-02025-000	RI	80,500	15,149
765-02026-000	EX	0	0
765-02027-000	RI	46,550	7,908

Parcel ID	Type	Total Appraised	Total Assessed
765-02028-000	RI	46,600	7,207
765-02029-000	RI	86,650	15,133
765-02030-000	EX	0	0
765-02031-000	RI	82,150	8,735
765-02032-000	RI	44,000	8,393
765-02033-000	EX	0	0
765-02034-000	RM	22,300	4,460
765-02035-000	RV	50,500	8,668
765-02036-000	EX	0	0
765-02037-000	EX	0	0
765-02038-000	EX	0	0
765-02039-000	EX	0	0
765-02040-000	EX	0	0
765-02041-000	EX	0	0
765-02041-000	EX	0	0
765-02042-000	EX	0	0
765-02043-000	CI	222,950	30,901
765-02044-000	RI	91,800	10,011
765-02045-000	RI	78,550	9,515
765-02046-000	CI	160,650	25,464
765-02047-000	CR	216,050	34,939
765-02048-000	RI	111,700	17,606
765-02049-000	RI	68,600	7,401
765-02050-000	RI	68,250	7,052
765-02051-000	RI	86,150	10,925
765-02052-000	RI	77,350	8,827
765-02053-000	CI	299,400	42,058
765-02054-000	RI	79,450	7,624
765-02055-000	RI	75,350	6,100
765-02056-000	RI	65,650	7,317
765-02057-000	RI	50,850	6,636
765-02058-000	RI	65,950	8,041
765-02059-000	RI	52,200	6,364
765-02060-000	RI	54,000	6,835
765-02061-000	RI	76,100	7,362
765-02062-000	RI	104,900	13,033
765-02063-000	RI	68,100	9,482
765-02064-000	CI	183,050	26,933
765-02064-001	RI	86,150	7,744
765-02065-000	RI	112,900	11,182
765-02066-000	RI	111,300	9,560
765-02067-000	RI	58,100	5,952
765-02068-000	RI	56,050	5,630
765-02069-000	CI	160,350	28,169
765-04326-000	ET	0	0
765-04327-000	RV	23,400	2,860
765-04328-000	ET	0	0
765-04329-000	ET	0	0
765-04330-000	ET	0	0
765-04332-000	ET	0	0
765-04333-000	ET	0	0
765-04334-000	ET	0	0
765-04335-000	ET	0	0
765-04336-000	ET	0	0
765-04337-000	RI	152,350	19,625
765-04338-000	RV	20,650	2,840
765-04339-000	RI	99,700	14,300
765-04340-000	RI	93,650	10,642
765-04341-000	RI	133,500	20,270
765-04342-000	RI	166,100	22,803
765-04343-000	RI	70,200	14,040
765-04344-000	CI	53,750	10,750

Parcel ID	Type	Total Appraised	Total Assessed
765-04345-000	RI	30,150	4,114
765-04346-000	ET	0	0
765-04347-000	RI	58,300	10,410
765-04348-000	RI	68,550	10,054
765-04349-000	RI	78,250	11,682
765-04350-000	CI	301,850	50,736
765-04350-001	CI	223,400	39,556
765-04351-000	ET	0	0
765-04352-000	ET	0	0
765-04353-000	ET	0	0
765-04354-000	ET	0	0
765-04355-000	RI	55,250	7,465
765-04356-000	RI	56,650	7,679
765-04357-000	CR	119,750	14,915
765-04357-100	EX	0	0
765-04358-000	CI	54,000	10,800
765-04359-000	CI	81,350	14,377
765-04360-000	CI	70,350	12,033
765-04361-000	CI	1,072,400	165,001
765-04362-000	CI	393,700	64,625
765-04362-001	EX	0	0
765-04363-000	CM	168,900	5,420
765-04363-001	EX	0	0
765-04364-000	CI	1,225,100	177,117
765-04365-000	CI	265,350	42,400
765-04366-000	CI	85,550	11,703
765-04367-000	CI	110,200	9,626
765-04368-000	CI	97,650	11,005
765-04369-000	CI	242,500	39,039
765-04370-000	CI	257,850	26,183
765-04371-000	CI	134,500	18,805
765-04372-000	CI	152,400	20,878
765-04373-000	CI	247,550	22,542
765-04374-000	CM	106,450	16,145
765-04375-000	CI	830,250	105,770
765-04376-000	CI	255,000	37,336
765-04376-000	CI	255,000	37,336
765-04378-000	VP	0	0
765-04378-001	CI	280,300	43,618
765-04379-000	CI	510,150	57,537
765-04380-000	ET	0	0
765-04381-000	ET	0	0
765-04382-000	ET	0	0
765-04384-000	ET	0	0
765-04385-000	ET	0	0
765-04388-000	ET	0	0
765-04389-000	ET	0	0
765-04390-000	ET	0	0
765-04391-000	CI	341,500	68,300
765-04392-000	RI	58,400	8,525
765-04393-000	RI	57,650	9,648
765-04394-000	RI	114,450	14,297
765-04395-000	RI	83,800	10,534
765-04396-000	RI	97,550	15,021
765-04397-000	CV	54,000	9,900
765-04398-000	CI	926,000	185,200
765-04399-000	CI	547,650	93,093
765-04400-000	CI	187,600	20,578
765-04401-000	CI	304,650	26,984
765-04402-000	CI	210,850	19,133
765-04403-000	RI	78,100	14,826
765-04404-000	RI	41,400	8,280

Parcel ID	Type	Total Appraised	Total Assessed
765-04405-000	RI	85,550	12,793
765-04406-000	CR	84,500	14,784
765-04407-000	RI	43,250	8,650
765-04408-000	RI	59,100	9,109
765-04409-000	CR	145,100	18,620
765-04410-000	RI	88,300	10,455
765-04411-000	RI	69,150	11,087
765-04412-000	RI	119,400	23,880
765-04413-000	RI	86,650	9,298
765-04414-000	RI	75,350	15,070
765-04415-000	RI	120,200	14,012
765-04416-000	RI	129,400	16,881
765-04417-000	RI	112,100	16,228
765-04418-000	RI	129,100	13,490
765-04419-000	RI	99,700	9,696
765-04421-000	RI	194,050	28,820
765-04424-000	RM	25,950	5,190
765-04427-000	RI	52,600	5,639
765-04428-000	RI	53,750	6,384
765-04430-000	RI	64,150	6,964
765-04431-000	CV	100,000	14,300
765-04432-000	RI	388,550	39,674
765-04433-000	CM	45,100	9,020
765-04434-000	CI	643,250	104,621
765-04435-000	EX	0	0
765-04436-000	EX	0	0
765-04437-000	EX	0	0
765-04438-000	RI	143,700	22,583
765-04439-000	EX	0	0
765-04440-000	EX	0	0
765-04441-000	EX	0	0
765-04442-000	CM	207,100	41,420
765-04443-000	CI	2,092,250	274,283
765-04444-000	EX	0	0
765-04445-000	EX	0	0
765-04446-000	EX	0	0
765-04447-000	EX	0	0
765-04513-000	RI	98,900	14,144
765-04514-000	RI	88,150	15,279
765-04515-000	RI	99,250	17,003
765-04516-000	RI	97,050	14,359
765-04517-000	CI	782,150	136,788
765-04518-000	CV	166,250	12,584
765-05462-000	RI	24,300	4,179
765-05462-001	CR	87,850	16,843
765-05463-000	RV	16,000	3,200
765-05469-000	RI	51,400	9,286
765-05470-000	RI	48,900	7,670
765-05471-000	RI	59,600	10,982
765-05472-000	RI	135,150	20,678
765-05473-000	RI	42,200	5,020
765-05474-000	RI	37,700	6,678
765-05475-000	RI	55,850	8,561
765-05476-000	RI	55,300	7,993
765-05477-000	RI	52,700	9,744
765-05483-000	RI	43,350	8,173
765-05484-000	RI	51,050	8,723
765-05485-000	RI	31,450	5,786
765-05486-000	RI	62,850	12,497
765-05508-002	EX	0	0
765-05520-000	CI	74,500	11,561
765-05520-000	CI	74,500	11,561

Parcel ID	Type	Total Appraised	Total Assessed
765-05521-000	CI	120,050	19,524
765-05524-000	CI	40,100	5,764
765-05525-000	EX	0	0
765-05526-000	RI	34,150	5,314
765-05527-000	RI	37,050	6,875
765-05529-000	RI	54,450	9,938
765-05530-000	RI	31,700	5,660
765-05532-000	RI	42,150	6,291
765-05533-000	CI	253,600	45,912
765-05534-000	CV	15,000	2,233
765-05535-000	RI	37,200	6,897
765-05536-000	RV	15,200	2,618
765-05537-000	RV	25,600	2,860
765-05538-000	RI	42,100	7,493
765-05539-000	RV	6,400	1,100
765-05541-000	CI	42,950	5,205
765-05541-001	EX	0	0
765-05572-010	CI	338,350	58,344
765-05573-000	ET	0	0
765-05574-000	ET	0	0
765-05575-000	ET	0	0
765-05576-000	ET	0	0
765-05577-000	ET	0	0
765-05578-000	RI	59,850	9,416
765-05579-000	ET	0	0
765-05580-000	ET	0	0
765-05581-000	ET	0	0
765-05582-000	ET	0	0
765-05583-000	ET	0	0
765-05584-000	RI	60,600	9,395
765-05585-000	ET	0	0
765-05586-000	ET	0	0
765-05587-000	ET	0	0
765-05588-000	ET	0	0
765-05589-000	ET	0	0
765-06024-000	RI	124,450	22,825
765-06025-000	CV	52,850	9,009
765-06026-000	RI	218,500	41,635
765-06027-000	CI	748,650	147,180
765-06028-000	RI	80,800	12,899
765-06029-000	RI	64,500	11,968
765-06030-000	RI	254,000	48,710
765-06031-000	RI	271,650	51,939
765-06032-000	RI	347,150	54,271
765-06033-000	RI	92,700	17,910
765-06034-000	RM	24,600	3,818
765-06035-000	RI	125,200	23,892
765-06036-000	CI	185,400	28,328
765-06037-000	EX	0	0
765-06038-000	EX	0	0
765-06039-000	RI	329,900	41,400
765-06040-000	CI	291,100	49,478
765-06139-000	RI	50,600	6,714
765-06140-000	RI	48,750	7,508
765-06141-000	RI	40,300	7,040
765-06142-000	EX	0	0
765-06143-000	CV	16,300	2,508
765-06144-000	RI	71,450	11,755
765-06145-000	RI	49,500	7,921
765-06147-000	RI	227,450	45,490
765-07123-000	RI	72,450	6,100
765-07124-000	RI	50,500	8,492

Parcel ID	Type	Total Appraised	Total Assessed
765-08241-000	RV	8,750	1,375
765-08242-000	RI	64,000	8,633
765-08243-000	RI	82,900	12,119
765-08539-000	RI	691,000	80,600
765-08540-000	RI	635,000	78,741
765-08541-000	RI	481,500	60,091
765-08542-000	RI	357,000	44,459
765-08543-000	RI	376,600	54,926
765-08644-000	RI	749,700	93,628
765-08545-000	RV	52,500	3,432
765-08546-000	RI	263,600	28,432
765-08547-000	RI	354,950	37,040
765-08548-000	RI	122,700	14,443
765-08549-000	RI	218,450	32,804
765-08550-000	RI	315,100	36,124
765-08551-000	RI	299,450	36,261
765-08552-000	RI	113,250	11,101
765-08563-000	RV	100,000	5,577
765-08554-000	RI	120,550	13,542
765-08555-000	RI	109,100	12,037
765-08556-000	RI	298,350	34,172
765-09759-000	EX	0	0
765-09760-000	EX	0	0
765-09761-000	EX	0	0
765-09762-000	EX	0	0
765-09763-000	CR	126,450	25,290
765-09764-000	RV	27,500	3,300
765-09765-000	RV	27,500	3,300
765-09766-000	PS	1,500	300
765-09767-000	EX	0	0
765-09768-000	EX	0	0
765-09769-000	EX	0	0
765-09770-000	EX	0	0
765-09914-000	CI	357,650	54,726
765-09915-000	CI	406,650	59,000
765-09917-000	CI	318,100	51,022
765-09918-000	ET	0	0
765-09919-000	EX	0	0
765-09920-000	CI	767,550	99,843
765-09921-000	RI	169,950	30,308
765-09922-000	RI	127,150	24,688
765-09923-000	RV	22,000	3,300
765-09924-000	RV	22,000	3,300
765-09925-000	EX	0	0
765-09926-000	EX	0	0
765-11917-000	RI	151,850	20,455
765-11918-000	RI	387,650	77,530
765-11919-000	CR	74,250	12,935
765-11920-000	RI	107,750	19,763
765-11921-000	RI	70,250	9,650
765-11922-000	RI	52,300	8,505
765-11923-000	RI	82,060	16,410
765-11924-000	RI	60,550	10,362
765-11925-000	RI	77,260	11,579
765-11926-000	RI	67,750	11,384
765-11927-000	RI	100,300	16,491
765-11928-000	RI	94,300	17,851
765-11929-000	RI	61,550	12,310
765-11930-000	RI	61,500	10,141
765-11931-000	RI	74,600	13,101
765-11932-000	RI	77,300	11,410
765-11933-000	RI	122,800	20,108

Parcel ID	Type	Total Appraised	Total Assessed
765-11934-000	RI	81,550	14,973
765-11935-000	RI	90,850	10,774
765-11936-000	RI	86,150	13,924
765-12867-000	CV	180,000	18,036
765-12868-000	CI	675,500	83,464
765-12868-001	CI	216,250	27,196
765-12869-000	RI	114,250	15,909
765-12870-000	RI	110,350	14,863
765-12871-000	CI	132,150	18,994
765-12872-000	CI	89,300	12,141
765-12873-000	CI	93,450	12,012
765-12874-000	CI	122,050	15,315
765-12875-000	CM	76,950	11,782
765-12875-003	EX	0	0
765-12876-000	CV	117,900	13,599
765-12877-000	CI	82,050	9,209
765-12878-000	EX	0	0
765-12879-000	RI	87,750	12,799
765-12880-000	RI	109,900	18,090
765-12881-000	EX	0	0
765-12882-000	RI	216,750	33,176
765-12883-000	RI	139,300	15,094
765-12884-000	RV	22,000	3,520
765-12885-000	RI	281,300	46,404
765-12886-000	EX	0	0
765-12887-000	EX	0	0
765-12888-000	RI	86,150	11,197
765-12889-000	RI	130,550	23,109
765-12894-000	CI	524,350	49,464
765-12899-000	CV	142,000	8,237
765-12900-000	RI	174,000	20,778
765-12901-000	CV	50,000	2,959
765-12904-000	CI	776,450	74,474
765-12905-000	CI	636,600	102,828
765-12906-000	CM	259,900	37,166
765-12907-000	CI	333,000	42,843
765-12908-000	CI	337,850	37,199
765-12932-000	PS	940,650	188,130
765-12932-001	CI	585,650	74,143
765-12933-000	EX	0	0
765-12934-000	CI	190,650	29,172
765-12935-000	CV	46,550	8,536
765-12936-000	RV	11,000	772
765-12937-000	RV	16,500	2,640
765-12938-000	RI	47,600	7,046
765-12939-000	RI	84,900	15,029
765-12940-000	RV	13,200	2,420
765-12941-000	RI	32,000	5,071
765-12942-000	RV	15,400	2,464
765-12943-000	CI	420,650	66,584
765-12944-000	CI	224,950	33,173
765-12945-000	RI	69,600	7,645
765-12946-000	CR	680,400	109,340
765-12947-000	RV	15,400	2,145
765-12948-000	RI	49,600	8,037
765-12949-000	RI	49,850	6,635
765-12950-000	RI	68,650	8,984
765-12951-000	RI	55,900	6,955
765-12952-000	RV	4,000	660
765-12953-000	RV	3,000	600
765-12954-000	CI	238,550	45,934
765-12955-000	RI	45,950	5,324

Parcel ID	Type	Total Appraised	Total Assessed
765-12956-000	RI	60,650	7,965
765-12957-000	RI	50,000	6,035
765-12958-000	RI	91,600	14,421
765-12959-000	RI	60,650	5,750
765-12960-000	RI	52,450	7,136
765-12961-000	CI	221,500	44,300
765-12962-000	RI	48,600	6,793
765-12964-000	RI	49,850	5,131
765-12967-000	RI	336,800	65,088
765-12970-000	RI	66,200	6,163
765-12971-000	RI	51,500	5,928
765-12972-000	RI	87,050	8,637
765-12973-000	RI	55,600	8,107
765-13020-000	CI	44,300	5,749
765-13020-001	EX	0	0
765-22041-000	CI	304,296	60,819
765-22042-000	CI	616,394	123,200
765-22043-000	CI	366,715	73,293
765-22044-000	CI	312,098	62,381
765-22045-000	CI	397,925	79,552
765-22046-000	CI	827,060	165,319
765-22047-000	CI	795,850	159,093
765-22048-000	CI	226,271	45,221
765-22049-000	CI	210,866	42,119
765-22050-000	RI	148,247	29,645
765-22051-000	RI	124,839	24,959
765-22052-000	RI	124,839	23,825
765-22053-000	RI	132,642	26,521
765-22054-000	RI	132,642	26,521
765-22055-000	RI	288,691	57,695
765-22056-000	RI	202,864	40,557
765-22057-000	RI	413,530	82,676
765-22058-000	RI	234,074	46,783
765-22059-000	RI	163,851	32,747
765-22060-000	RI	163,851	32,747
765-22061-000	RI	273,086	52,112
765-22062-000	CI	109,234	21,824
765-22063-000	CI	444,740	88,902
765-22064-000	CI	249,678	49,907
765-22065-000	CI	187,259	37,433
765-22066-000	CI	117,037	23,397
765-22067-000	CI	117,037	23,397
765-22068-000	CI	117,037	23,397
765-22367-000	RI	206,100	40,370
765-22368-000	RI	208,950	40,370
765-22369-000	RI	208,350	38,535
765-22370-000	RI	224,450	44,000
765-22371-000	RI	209,950	40,370
765-22372-000	RI	225,400	44,000
765-22373-000	RI	208,350	40,370
765-22374-000	RI	225,050	42,000
765-22375-000	RI	209,950	40,370
765-22376-000	RI	225,050	44,000
765-22377-000	RI	208,350	38,535
765-22378-000	RI	224,050	44,000
765-22379-000	RI	308,300	60,500
765-22380-000	RI	322,800	59,850
765-22381-000	CI	206,200	41,240
765-22382-000	CI	135,050	27,010
765-22383-000	CI	963,750	192,750
765-22384-000	CI	0	0
765-22549-000	CI	97,400	9,009

Parcel ID	Type	Total Appraised	Total Assessed
765-22550-000	CI	97,400	9,009
765-22551-000	CI	97,400	9,009
765-22552-000	CI	97,400	9,009
765-22553-000	CI	97,400	9,009
765-22554-000	CI	97,400	9,009
765-22555-000	CI	97,400	9,009
765-22556-000	CI	97,400	9,009
765-22557-000	CI	97,400	9,009
765-22558-000	CI	97,400	9,009
765-22559-000	CI	97,400	9,009
765-22560-000	CI	97,400	9,009
765-22561-000	CI	97,400	9,009
765-22562-000	CI	97,400	9,009
765-22563-000	CI	0	0
765-22564-000	CI	274,147	50,204
765-22565-000	CI	273,053	49,995
765-22566-000	CI	0	0
765-01887-002	EX	0	
765-23362-000	RI	234,000	46,800
765-23363-000	RI	214,600	42,920
765-23364-000	RI	225,900	45,180
765-23365-000	RI	306,600	61,320
765-23366-000	RI	337,250	67,450
765-23367-000	RI	321,650	64,330
765-23368-000	CI	0	0
765-23413-000	RI	85,450	17,090
765-23414-000	RI	65,100	13,020
765-23415-000	RI	76,900	15,380
765-23416-000	RI	134,950	26,990
765-23417-000	RI	81,700	16,340
765-23418-000	RI	303,700	60,740
765-23419-000	CR	0	0
765-01655-000	CI	249,300	42,743
765-01656-000	CI	194,000	32,895
765-01657-000	CI	230,400	30,778
765-01658-000	CI	170,100	30,602
765-01659-000	CI	202,350	32,340
765-01660-000	CI	124,050	16,701
765-01661-000	CI	210,900	38,988
765-01663-000	CM	80,150	10,687
765-01663-000	CM	80,150	10,687
765-01664-000	CI	130,200	10,802
765-01664-000	CI	130,200	10,802
765-01665-000	CI	128,450	19,734
765-01665-000	CI	128,450	19,734
765-01666-000	CI	251,450	27,199
765-01667-000	CV	130,000	25,080
765-01668-000	CM	168,750	24,138
765-01669-000	CI	338,850	52,124
765-01670-000	RI	165,250	27,367
765-01671-000	CI	114,100	18,690
765-01672-000	CV	27,200	4,400
765-01673-000	RI	131,500	18,682
765-01674-000	CR	155,050	27,311
765-01675-000	RI	89,450	10,090
765-01676-000	CI	74,900	7,794
		97,820,053	**16,083,761**

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

EXHIBIT No.4

TIF Financing Strategies

EXHIBIT No.4

TIF Financing Strategies

General Tax Increment Financing Information

Tax increment finance ("TIF") is a type of public finance that the Arkansas General Assembly added to the powers of municipalities and counties by Amendment 78 to the Arkansas Constitution. Amendment 78 empowers municipalities and counties to create "redevelopment districts" that can issue bonds the repayment of which is secured by ad valorem tax payments made by owners of taxable real property in the district.

The real property within the district receives an increased assessed value due to the public improvements and private reinvestment. Public improvements are financed by the proceeds of the bonds issued and sold by the district. The district pledges to the payment of its bonds that portion of the ad valorem tax that is otherwise levied by the city or county that formed the district (the amount of which is increased by the value of the public and private improvements within the district). That is, the district pledges the tax on the increment in value of the real property within its boundaries before and after the improvements. TIF bonds are secured by the existing municipal and county tax levied against the increase in assessed value. There is no new tax levied.

TIF's are generally used as a tool for economic development available to municipalities to promote industry and redevelopment of real property, and to eliminate blight. Projects are funded by using taxes collected in the district itself, without raising the taxes of residents outside the district. This concept is referred to as "redevelopment from within." A TIF financing raises funds for redevelopment and acts to stimulate revitalization without using general revenues of a municipality.

TIF uses tax-exempt financing to encourage growth and redevelopment within the district, which in turn stimulates economic growth outside the district. TIF captures, during its life, the increased tax revenue that results when private investment is stimulated. These tax receipts are called the "tax increment." As private investment adds to the tax base within the district, the increment is directed back to pay for the public investment projects. When the bonds are paid off, the tax receipts generated by the tax increment goes back into the general tax revenues or can be dedicated to additional projects within the district.

Financing of Estimated Project Costs

The proposed project costs for improvements within the Downtown Master Plan Redevelopment District are as follows:

Financing Time Table

Phase I	Potential Bond Funding	$15,235,000	2005-2030

District Indebtedness

It is anticipated that tax-exempt bonds will be issued by the Downtown Master Plan Redevelopment

District due to the public nature and purposes of the proposed improvements.

Other Costs

Other costs relating to the issuance of bonds may include, among other things, reserve funds, capitalized interest, feasibility studies, accounting, financial advisory, legal and underwriting fees. Any initial bonds and subsequent financings will be subject to allowable financing parameters as determined by bond underwriting requirements, debt service coverage ratios, projections of incremental growth in assessed values, interest rates and other requirements of the capital markets.

Professional Services

In accordance with Arkansas Code Annotated 14-168-304 (see Exhibit No. 7). Powers Generally, a district may "(3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them; (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter; and (19) Do all things necessary or convenient to carry out the powers granted in this subchapter". The district may engage as may be necessary professional advisors, consultants, attorneys and other TIF specialists to carry out the project plan and related financings. The Mayor of the City of Fayetteville or others as may be assigned by the Mayor may engage professionals to specifically meet the desired results of the Project Plan.

Application of District Revenues

All tax increment collected for the established twenty-five year period will be used to cover district indebtedness and/or other direct district expenses including initial bonded debt and additional bonds that may be issued as district revenues permit. Excess revenues shall retire the district's indebtedness or fund additional projects as may be approved by the City Council in accordance with bond covenants and obligations.

Interest Earnings

All interest earnings will be used towards debt service obligations on issued Tax Increment Financing bonds/notes. Earnings may be applied to the payment of Capitalized Interest and any prepayment of debt obligations as may be permitted.

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

EXHIBIT No.5

Arkansas Code Annotated
14-168-301 through 14-168-323

EXHIBIT No.5

Arkansas Code Annotated 14-168-301 through 14-168-323

Redevelopment District

Chapter 168

Community Redevelopment Generally

Subchapter 3

Community redevelopment — Creation and procedures

14-168-301. Definitions.

As used in this act subchapter, unless the context otherwise requires:

(1) "Applicable ad valorem rate" means the total ad valorem rate less the debt service ad valorem rate;

(2) "Base value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment preceding the formation of the redevelopment district;

(3)(A) "Blighted area" means an area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for access, ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property, are detrimental to the public health, safety, morals, or welfare.

(B) "Blighted area" includes any area which, by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax on special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, or any area which is predominantly open and which because of lack of accessibility, obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community;

(4) "Current value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment after the formation of the redevelopment district;

(5) "Debt service ad valorem rate" means that portion of the total ad valorem rate that has been, at January 1, 2001, pledged to the payment of debt service on bonds issued by any taxing unit in which all or any part of the redevelopment district is located;

(6)(A) "Incremental value", for any redevelopment district, means the difference between the base value and the current value.

(B) The incremental value will be positive if the current value exceeds the base value, and the incremental value will be negative if the current value is less than the base value;

(7) "Local governing body" means the city council, city board of directors, county quorum court, or any other

legislative body governing a local government in the State of Arkansas;

(8) "Local government" means any city or county in the State of Arkansas;

(9)(A) "Project costs" means expenditures made in preparation of the project plan and made, or estimated to be made, or monetary obligations incurred, or estimated to be incurred, by the local government, which are listed in the project plan as costs of public works or improvements within a redevelopment project district, plus any costs incidental thereto.

(B) Project costs include, but are not limited to:

(i) Capital costs, including, but not limited to, the actual costs of the construction of public works or improvements, new buildings, structures, and fixtures, the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures, environmental remediation, parking and landscaping, the acquisition of equipment, and site clearing, grading, and preparation;

(ii) Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs, all costs of issuance, and any redemption premiums, credit enhancement, or other related costs;

(iii) Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the local government of real or personal property within a redevelopment district for consideration which is less than its cost to the local government;

(iv) Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering, and legal advice and services;

(v) Imputed administrative costs, including, but not limited to, reasonable charges for the time spent by local government employees in connection with the implementation of a project plan;

(vi) Relocation costs, including, but not limited to, those relocation payments made following condemnation and job training and retraining;

(vii) Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies, and the costs of informing the public with respect to the creation of redevelopment project areas and the implementation of project plans;

(viii) The amount of any contributions made in connection with the implementation of the project plan;

(ix) Payments made, in the discretion of the local governing body, which are found to be necessary or convenient to the creation of redevelopment areas or the implementation of project plans; and

(x) That portion of costs related to the construction of environmental protection devices, storm or sanitary sewer lines, water lines, or amenities or streets or the rebuilding or expansion of streets, the construction, alteration, rebuilding, or expansion of which is necessitated by the project plan for a district, whether or not the construction, alteration, rebuilding, or expansion is within the area;

(10) "Project plan" means the plan which shall be adopted by a local governing body for a redevelopment project as described in § 14-168-308;

(11) "Real property" means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest, and right, legal or equitable, in them, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by the liens;

(12) "Redevelopment district" means a contiguous geographic area within a city or county in which a redevelopment

project will be undertaken, as defined and created by ordinance of the local governing body;

(13)(A) "Redevelopment project" means an undertaking for eliminating or preventing the development or spread of slums or deteriorated, deteriorating, or blighted areas, for discouraging the loss of commerce, industry, or employment, or for increasing employment, or any combination thereof.

(B) A redevelopment project may include one (1) or more of the following:

(i) The acquisition of land and improvements, if any, within the redevelopment district and clearance of the land so acquired; or

(ii) The development, redevelopment, revitalization, or conservation of the project area whenever necessary to provide land for needed public facilities, public housing, or industrial or commercial development or revitalization, to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration; or

(C) The financial or other assistance in the relocation of persons and organizations displaced as a result of carrying out the redevelopment project and other improvements necessary for carrying out the project plan, together with such site improvements as are necessary for the preparation of any sites and making any land or improvements acquired in the project area available, by sale or by lease, for public housing or for development, redevelopment, or rehabilitation by private enterprise for commercial or industrial uses in accordance with the plan;

(D) The construction of capital improvements within a redevelopment district designed to alleviate deteriorating conditions or a blighted area or designed to increase or enhance the development of commerce, industry, or housing within the redevelopment district; or

(E) Any other projects the local governing body deems appropriate to carry out the purposes of this subchapter;

(14) "Special fund" means a separate fund for a redevelopment district established by the local government into which all tax increment revenues and other pledged revenues are deposited and from which all project costs are paid;

(15) "Tax increment" means the incremental value of a redevelopment district multiplied by the applicable ad valorem rate;

(16) "Taxing unit" means any city, county, school district, or community college district; and

(17) "Total ad valorem rate" means the total millage rate of all county, city, school, or other local general property taxes levied on all taxable property within a redevelopment district in a year. History. Acts 2001, No. 1197, § 2.

14-168-302. Construction.

The General Assembly declares that this subchapter is necessary for the welfare of this state and its inhabitants, and it is the intent of the General Assembly that it is to be broadly construed to effect its purpose. History. Acts 2001, No. 1197, § 3.

14-168-303. Powers supplemental.

The powers conferred by this subchapter are in addition and supplemental to the powers conferred upon local governments and improvement districts by the General Assembly relating to the issuance of bonds. History. Acts 2001, No. 1197, § 4.

14-168-304. Powers generally.

In addition to any other powers conferred by law, a local government may exercise any powers necessary and

convenient to carry out the purpose of this subchapter, including the power to:

(1) Create redevelopment districts and to define the boundaries of redevelopment districts;

(2) Cause project plans to be prepared, to approve the project plans, and to implement the provisions and effectuate the purposes of the project plans;

(3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them;

(4) Deposit moneys into the special fund for any redevelopment project district;

(5) Enter into any contracts or agreements, including agreements with bondholders, determined by the local governing body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans;

(6) Receive from the federal government or the state loans and grants for, or in aid of, a redevelopment project and to receive contributions from any other source to defray project costs;

(7)(A) Exercise the right of eminent domain to condemn property for the purposes of implementing the project plan.

(B) The rules and procedures set forth in §§ 18-15-301 - 18-15-307 shall govern all condemnation proceedings authorized in this subchapter;

(8) Make relocation payments to such persons, businesses, or organizations as may be displaced as a result of carrying out the redevelopment project;

(9) Clear and improve property acquired by it pursuant to the project plan and construct public facilities on it or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration, or repair of the property;

(10) Cause parks, playgrounds, or water, sewer, or drainage facilities, or any other public improvements, including, but not limited to, fire stations, community centers, and other public buildings, which it is otherwise authorized to undertake, to be laid out, constructed, or furnished in connection with the redevelopment project;

(11) Lay out and construct, alter, relocate, change the grade of, make specific repairs upon, or discontinue public ways and construct sidewalks in, or adjacent to, the redevelopment project;

(12) Cause private ways, sidewalks, ways for vehicular travel, playgrounds, or water, sewer, or drainage facilities and similar improvements to be constructed within the redevelopment project for the particular use of the redevelopment district or those dwelling or working in it;

(13) Construct any capital improvements of a public nature, as such term is defined in § 14-164-303(a)(2), as now or hereafter amended;

(14) Construct capital improvements to be leased or sold to private entities in connection with the goals of the redevelopment project;

(15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter;

(16) Adopt ordinances or bylaws or repeal or modify such ordinances or bylaws or establish exceptions to existing ordinances and bylaws regulating the design, construction, and use of buildings within the redevelopment district;

(17) Sell, mortgage, lease, transfer, or dispose of any property, or interest therein, acquired by it pursuant to the project plan for development, redevelopment, or rehabilitation in accordance with the project plan;

(18) Invest project revenues as provided in this subchapter; and

(19) Do all things necessary or convenient to carry out the powers granted in this subchapter. History. Acts 2001, No. 1197, § 5.

14-168-305. Creation of district.

(a) The local governing body, upon its own initiative or upon request of affected property owners or upon request of the city or county planning commission, may designate the boundaries of a proposed redevelopment district.

(b)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a redevelopment district and its proposed boundaries.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.

(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(c) The local governing body shall adopt an ordinance which:

(1) Describes the boundaries of a redevelopment district sufficiently definite to identify with ordinary and reasonable certainty the territory included in, which boundaries may create a contiguous or noncontiguous district;

(2) Creates the redevelopment district as of a date provided in it;

(3)(A) Assigns a name to the redevelopment district for identification purposes.

(B) The name may include a geographic or other designation, shall identify the city or county authorizing the district, and shall be assigned a number, beginning with the number one (1).

(C) Each subsequently created district shall be assigned the next consecutive number; and

(4) Contains findings that the real property within the redevelopment district will be benefitted by eliminating or preventing the development or spread of slums or blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, industry, or employment, or increasing employment, or any combination thereof.

(d)(1) No county shall establish a redevelopment district, any portion of which is within the boundaries of a city.

(2) Provided, however, that one (1) or more local governments through interlocal agreement may join in the creation of a district, the boundaries of which lie in one (1) or more local governments.

(e)(1) The ordinance shall establish a special fund as a separate fund into which all tax increment revenues and other revenues designated by the local government for the benefit of the redevelopment district shall be deposited, and from which all project costs shall be paid.

(2) Such special fund may be assigned to and held by a trustee for the benefit of bondholders if tax increment financing is used.

(f)(1) The boundaries of the redevelopment district may be modified from time to time by ordinance of the local government.

(2) Provided, however, that in the event any bonds, notes or other obligations are outstanding with respect to the redevelopment district, any change in the boundaries shall not reduce the amount of tax increment available to secure

such tax increment financing. History. Acts 2001, No. 1197, § 6.

14-168-306. Project plan - Approval.

(a)(1) Upon the creation of the redevelopment district, the local governing body shall cause the preparation of a project plan for each redevelopment district, and such project plan shall be adopted by ordinance of the local governing body.

(2) This process shall conform to the procedures set forth in this section.

(b) Each project plan shall include:

(1) A statement listing the kind, number, and location of all proposed public works or improvements within the district or, to the extent provided, outside the district;

(2) An economic feasibility study;

(3) A detailed list of estimated project costs;

(4) A description of the methods of financing all estimated project costs, including the issuance of tax increment bonds, and the time when the costs or monetary obligations related thereto are to be incurred;

(5) A certification by the county tax assessor of the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district;

(6) The type and amount of any other revenues that are expected to be deposited to the special fund of the redevelopment district;

(7) A map showing existing uses and conditions of real property in the district;

(8) A map of proposed improvements and uses in the district;

(9) Proposed changes of zoning ordinances;

(10) Appropriate cross-references to any master plan, map, building codes, and city ordinances affected by the project plan;

(11) A list of estimated nonproject costs; and

(12) A statement of the proposed method for the relocation of any persons to be displaced.

(c) If the project plan is to include tax increment financing, the tax increment financing portion of the plan shall set forth:

(1) The amount of indebtedness to be incurred pursuant to this subchapter;

(2) An estimate of the tax increment to be generated as a result of the project;

(3) The method for calculating the tax increment, which shall be in conformance with the provisions of this subchapter, together with any provision for adjustment of the method of calculation;

(4) Any other revenues, such as payment-in-lieu-of-taxes revenues, to be used to secure the tax increment financing; and

(5) Any other provisions as may be deemed necessary in order to carry out any tax increment financing to be used for the redevelopment project.

(d) If less than all of the tax increment is to be used to fund a redevelopment project or to pay project costs or retire tax increment financing, the project plan shall set forth the portion of the tax increment to be deposited in the special

fund of the redevelopment district, and provide for the distribution of the remaining portion of the tax increment to the taxing units in which the district lies.

(e)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed project plan.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.

(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(3) The hearing may be held in conjunction with the hearing set forth in § 14-168-305(b)(1).

(4) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed redevelopment district.

(f)(1) Approval by the local governing body of a project plan must be within one (1) year after the date of the county assessor's certification required by subdivision (b)(5) of this section.

(2) The approval shall be by ordinance which contains a finding that the plan is economically feasible. History. Acts 2001, No. 1197, § 7.

14-168-307. Project plan - Amendment.

(a) The local governing body may adopt by ordinance an amendment to a project plan.

(b)(1) Adoption of an amendment to a project plan shall be preceded by a public hearing held by the local governing body as provided in § 14-168-306(e)(1), at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county once a week for two (2) consecutive weeks. The first such publication shall be fifteen (15) days prior to the hearing.

(B) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district.

(c)(1) One (1) or more existing redevelopment districts may be combined pursuant to lawfully adopted amendments to the original plans for each district.

(2) Provided that the local governing body finds that the combination of the districts will not impair the security for any bonds previously issued pursuant to this subchapter. History. Acts 2001, No. 1197, § 8.

14-168-308. Termination of districts.

(a) No redevelopment district may be in existence for a period longer than twenty-five (25) years, unless, pursuant to amendment of the redevelopment plan, additional bonds have been issued and would not be fully paid until after the date which is twenty-five (25) years from the date of creation of the district.

(b) The local governing body may set a shorter period for the existence of the district, and may also provide that no bonds shall have a final maturity on a date later than the termination date of the district.

(c) Upon termination of the district, no further ad valorem tax revenues shall be distributed to the special fund of the district.

(d)(1) The local governing body shall adopt, upon the expiration of the time periods set forth in this section, an ordinance terminating the redevelopment district.

(2) Provided, however, that no district shall be terminated so long as bonds with respect to the district remain outstanding. History. Acts 2001, No. 1197, § 9.

14-168-309. Costs of formation.

(a) The local government may pay, but shall have no obligation to pay, the costs of preparing the project plan or forming the redevelopment district.

(b) If the local government elects not to incur those costs, they shall be made project costs of the district and reimbursed from bond proceeds or other financing, or may be paid by developers, property owners, or other persons interested in the success of the redevelopment project. History. Acts 2001, No. 1197, § 10.

14-168-310. Overlapping districts.

The boundaries of any redevelopment districts shall not overlap with any other redevelopment district. History. Acts 2001, No. 1197, § 11.

14-168-311. Valuation of real property.

(a)(1) Upon and after the effective date of the creation of a redevelopment project district, the county assessor of the county in which the district is located shall transmit to the county clerk, upon the request of the local governing body, the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district and shall certify to it.

(2)(A) The assessor shall undertake, upon request of the local governing body, an investigation, examination, and inspection of the taxable real property in the district and shall reaffirm or revalue the base value for assessment of the property in accordance with the findings of the investigation, examination, and inspection.

(B) The assessor shall determine, according to his or her best judgment from all sources available to him or her, the full aggregate value of the taxable property in the district, which aggregate valuation, upon certification thereof by the assessor to the clerk, constitutes the base value of the area.

(b)(1)(A)(i) The assessor shall give notice annually to the designated finance officer of each taxing unit having the

power to levy taxes on property within each district of the current value and the incremental value of the property in the redevelopment district.

(ii) The assessor shall also determine the tax increment by applying the applicable ad valorem rate to the incremental value.

(B) The notice shall also explain that the entire amount of the tax increment allocable to property within the redevelopment district will be paid to the special fund of the redevelopment district.

(2) The assessor shall identify upon the assessment roll those parcels of property which are within each existing district specifying on it the name of each district. History. Acts 2001, No. 1197, § 12.

14-168-312. Division of ad valorem real property tax revenue.

(a) For so long as the redevelopment district exists, the tax assessor shall divide the ad valorem tax revenue collected, with respect to taxable property in the district, as follows:

(1) The assessor shall determine for each tax year:

(A) The amount of total ad valorem tax revenue which should be generated by multiplying the total ad valorem rate times the current value;

(B) The amount of ad valorem tax revenue which should be generated by multiplying the applicable ad valorem rate times the base value;

(C) The amount of ad valorem tax revenue which should be generated by multiplying the debt service ad valorem rate times the current value; and

(D) The amount of ad valorem revenue which should be generated by multiplying the applicable ad valorem rate times the incremental value;

(2) The assessor shall determine from the calculations set forth in subdivision (a)(1) of this section the percentage share of total ad valorem revenue for each according to subdivisions (a)(1)(B) - (D) of this section, by dividing each of such amounts by the total ad valorem revenue figure determined by the calculation in subdivision (a)(1)(A) of this section; and

(3) On each date on which ad valorem tax revenue is to be distributed to taxing units, such revenue shall be distributed by:

(A) Applying the percentage share determined according to subdivision (a)(1)(B) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution pursuant to current law;

(B) Applying the percentage share determined according to subdivision (a)(1)(C) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution by reason of having bonds outstanding; and

(C) Applying the percentage share determined according to subdivision (a)(1)(D) of this section to the revenues received and distributing such share to the special fund of the redevelopment district.

(b) In each year for which there is a positive tax increment, the county treasurer shall remit to the special fund of the redevelopment district that portion of the ad valorem taxes that consists of the tax increment.

(c) Any additional moneys appropriated to the redevelopment district pursuant to an appropriation by the local

governing body and any additional moneys dedicated to the fund from other sources shall be deposited to the redevelopment district fund by the treasurer of the local government.

(d) Any funds so deposited into the special fund of the redevelopment district may be used to pay project costs, principal and interest on bonds, and to pay for any other improvements of the redevelopment district deemed proper by the local governing body.

(e) Unless otherwise directed pursuant to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other municipal funds.

(f) If less than all of the tax increment is to be used for project costs or pledged to secure tax increment financing as provided in the plan for the redevelopment project, the assessor shall account for such fact in distributing the ad valorem tax revenues. History. Acts 2001, No. 1197, § 13.

14-168-313. Payments in lieu of taxes and other revenues.

(a) The local governing body may elect to deposit in the special fund of the redevelopment district all or any portion of the local government's share of payments in lieu of taxes on property within the redevelopment district.

(b) Other revenues to be derived from the redevelopment project may also be deposited in the special fund at the direction of the local governing body. History. Acts 2001, No. 1197, § 14.

14-168-314. Bonds generally.

(a)(1) Bonds may be issued for project costs which may include interest prior to and during the carrying out of a project and for a reasonable time thereafter, with such reserves as may be required by any agreement securing the bonds and all other expenses incidental to planning, carrying out, and financing the project.

(2) The proceeds of bonds may also be used to reimburse the costs of any interim financing entered on behalf of the redevelopment district.

(b) Bonds issued under this subchapter shall be payable solely from the tax increment or other revenues deposited to the credit of the special fund of the redevelopment district and shall not be deemed to be a pledge of the faith and credit of the local government.

(c) Every bond issued under this subchapter shall recite on its face that it is a special obligation bond payable solely from the tax increment and other revenues pledged for its repayment. History. Acts 2001, No. 1197, § 15.

14-168-315. Redevelopment bonds or notes - Authority to issue.

For the purpose of paying project costs or of refunding notes issued under this subchapter for the purpose of paying project costs, the local governing body may issue redevelopment bonds or notes payable out of positive tax increments and other revenues deposited to the special fund of the redevelopment district. History. Acts 2001, No. 1197, § 16.

14-168-316. Redevelopment bonds or notes - Authorizing resolution.

(a) Redevelopment bonds and notes shall be authorized by ordinance of the local governing body.

(b)(1) The ordinance shall state the name of the redevelopment project district, the amount of bonds or notes authorized, and the interest rate to be borne by the bonds or notes.

(2) The ordinance may prescribe the terms, form, and content of the bonds or notes and such other matters as the local governing body deems useful, or it may include by reference the terms and conditions set forth in a trust indenture or other document securing the redevelopment bonds. History. Acts 2001, No. 1197, § 17.

14-168-317. Redevelopment bonds or notes - Terms, conditions, etc.

(a)(1) Redevelopment bonds or notes may not be issued in an amount exceeding the estimated aggregate project costs, including all costs of issuance of the bonds or notes.

(2) The redevelopment bonds and notes shall not be included in the computation of the constitutional debt limitation of a local government.

(b)(1) The bonds or notes shall mature over a period not exceeding twenty-five (25) years from their date of issuance or a period terminating with the date of termination of the redevelopment district, whichever period terminates earlier.

(2) The bonds or notes may contain a provision authorizing their redemption, in whole or in part, at stipulated prices, at the option of the local government on any interest payment date and, if so, shall provide the method of selecting the bonds or notes to be redeemed.

(3) The principal and interest on the bonds and notes may be payable at any place set forth in the resolution, trust indenture, or other document governing the bonds.

(4) The bonds or notes shall be issued in registered form.

(5) The bonds or notes may be in any denominations.

(6) Each such bond or note is declared to be a negotiable instrument.

(c) The bonds or notes may be sold at public or private sale.

(d) Insofar as they are consistent with subdivision (a)(1) and subsections (b) and (c) of this section, the provisions of §§ 14-169-220 and 14-169-221 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes are incorporated by reference therein.

(e)(1) The bonds may be refunded or refinanced and refunding bonds may be issued in any principal amount.

(2) Provided, that the last maturity of the refunding bonds shall not be later than the last maturity of the bonds being refunded. History. Acts 2001, No. 1197, § 18.

14-168-318. Redevelopment bonds or notes - Security - Marketability.

To increase the security and marketability of redevelopment bonds or notes, the local government may:

(1) Create a lien for the benefit of the bondholders upon any public improvements or public works financed by the bonds; or

(2) Make such covenants and do any and all such actions, not inconsistent with the Arkansas Constitution, which may be necessary or convenient or desirable in order to additionally secure the bonds or notes, or which tend to make

the bonds or notes more marketable according to the best judgment of the local governing body. History. Acts 2001, No. 1197, § 19.

14-168-319. Redevelopment bonds or notes - Special fund for repayment.

(a) Redevelopment bonds and notes are payable out of the special fund created for each redevelopment district under this subchapter.

(b)(1) The local governing body shall irrevocably pledge all or part of the special fund to the payment of the bonds or notes.

(2) The special fund, or the designated part thereof, may thereafter be used only for the payment of the bonds or notes and their interest until they have been fully paid.

(c) A holder of the bonds or notes shall have a lien against the special fund for payment of the bonds or notes and interest on them and may bring suit, either at law or in equity, to enforce the lien. History. Acts 2001, No. 1197, § 20.

14-168-320. Redevelopment bonds or notes - Tax exemption.

Bonds and notes issued under this subchapter, together with the interest and income therefrom, shall be exempt from all state, county, and municipal income taxes. History. Acts 2001, No. 1197, § 21.

14-168-321. Excess funds.

(a) Moneys received in the special fund of the district in excess of amounts needed to pay project costs may be used by the local governing body for other purposes of the district or for any other lawful purpose of the local governing body.

(b) Upon termination of the district, all amounts in the special fund of the district may be used by the local governing body for any lawful purpose. History. Acts 2001, No. 1197, § 22.

14-168-322. Impact reports.

The Assessment Coordination Department, in cooperation with other state agencies and local governments, shall make a comprehensive impact report to the Governor and to the General Assembly at the beginning of each biennium as to the economic, social, and financial effect and impact of community redevelopment financing projects. History. Acts 2001, No. 1197, § 23.

14-168-323. Value of assessed property in a redevelopment district.

(a) If state funding to a school district is calculated with regard to the value of assessed property located in the school district, the incremental value of real property within a redevelopment district shall not be included in the assessed value of the real property within the school district for purposes of computing school district funding if the real property is located within the redevelopment district and within the school district and the assessed value of the real property increases above the base value.

(b) Subsection (a) of this section shall apply for each school year during which the tax increment for real property within the redevelopment district is distributed pursuant to § 14-168-312. History. Acts 2003 (2nd Ex. Sess.), No. 43, § 1.

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

EXHIBIT No.6
Local Demographics

EXHIBIT No.6

Local Demographics Summary

Economic strength continues to be the mainstay of the Northwest Arkansas MSA. Recently named as the top ranking MSA in the country by the Milken Institute, NWA is now gathering much attention for its regional economy. Fayetteville continues to experience robust growth along with the rest of Northwest Arkansas. Fayetteville is still considered the city of choice for living mainly because of its reputation for offering a superb quality of life. One highlight Fayetteville offers are the attractions associated with the University of Arkansas including sporting events and cultural activities. Fayetteville also is known in the region for its entertainment district located primarily along Dickson Street which connects the historic areas of town and the university campus. There has been a tremendous surge in demand for downtown/urban style living in Fayetteville near the heartbeat of culture for northwest Arkansas.

Economic impact from the University of Arkansas in Fayetteville continues to be a major factor. Beginning in 1871 when the University of Arkansas was created with a major land-grant under the Morrill Land-Grant College Act the campus population has been ever increasing. On April 11, 2002 the University of Arkansas announced that it had been the recipient of the largest gift in the history of American public higher education. The Walton Family Charitable Support Foundation of Bentonville, AR committed $300 million to establish and endow an undergraduate honors college and endow the graduate school. $177 million will be targeted towards students, $82 million towards faculty, and $41 million towards library, technology, and other support areas. At the time, the University was in the midst of a six-year campaign targeting to raise $500 million. As a result of the Walton's gift, the University decided to revise its parameters, upping the goal to raising $900 million by June 2005. As of Fall, 2003 the campaign had raised $770 million. Chancellor John White said in his annual State of the University address in September 2002 that over the next decade the University would spend $642 million on building construction and improvement. Many of these facilities and projects are necessary to the University's vision, as they have stated a goal of having 22,500 students by the year 2010. Current enrollment is just over 16,000.

The Fayetteville-Springdale-Rogers corridor gained notoriety when the 2000 Census indicated that the area was the sixth fastest growing MSA in the country over the last 10 years. The population jumped from approximately 211,000 to 311,000. Most notably during that time Wal-Mart Stores, whose headquarters are in Bentonville, a sister city and north of Fayetteville, increased their sales from $26 billion to $191 billion. Besides Wal-Mart, two other corporate giants call Northwest Arkansas home. Tyson Foods, which had been a $7 billion sales giant, increased to $23 billion in sales in 2002 with the takeover of IBP. JB Hunt Trucking, also headquartered in the MSA, has annual sales in the $2-2.5 billion range. All three of these companies had phenomenal success during the 1990s and are significant factor in the growth of the area. This bustling corner of the state's saga has not escaped the media's attention as it has received write-ups in several national publications thus aiding growth in yet another way.

Economic Overview of the Fayetteville-Springdale-Rogers MSA

Overview

The two-county area of Northwest Arkansas has experienced unprecedented economic and population growth since the 1990's. A dominant driver behind the growth has been the success of Wal-Mart, as it grew to become the world's largest retailer. Along the way, Wal-Mart has encouraged its vendors to be accessible to the company which directly translated into the opening of offices within Benton or Washington County for Fortune 500 and other companies. The resulting high quality job creation has spawned a boom in the commercial real estate market, as the demand for office space has increased and as the population growth has created the need for more retail shops, restaurants, entertainment facilities and service providers. A corresponding escalation has occurred in the construction of residential housing.

Wal-Mart has not been the only driver of growth in Northwest Arkansas. Tyson Foods has also grown rapidly during the same period, becoming the world's largest "protein" company. The Northwest Arkansas area has long been the home base of several large trucking companies. JB Hunt has become one of the largest providers of logistics services in North America and Willis Shaw Express is a major provider of transportation of refrigerated and frozen food products.

Fayetteville is also home to the University of Arkansas, a major research university, which is steadily improving its national rankings. Some academic areas have reached the top tier nationally. In 2002, the University of Arkansas was the recipient of a $300 million challenge grant from the Wal-Mart Foundation, the largest grant ever given to a public university in the U.S. The university has accelerated its quest for excellence and at the same time is pursuing a goal of increasing its enrollment, to a total of 22,500 students by 2010.

The following pages provide some economic highlights of the Fayetteville-Springdale-Rogers MSA.

National Perspective

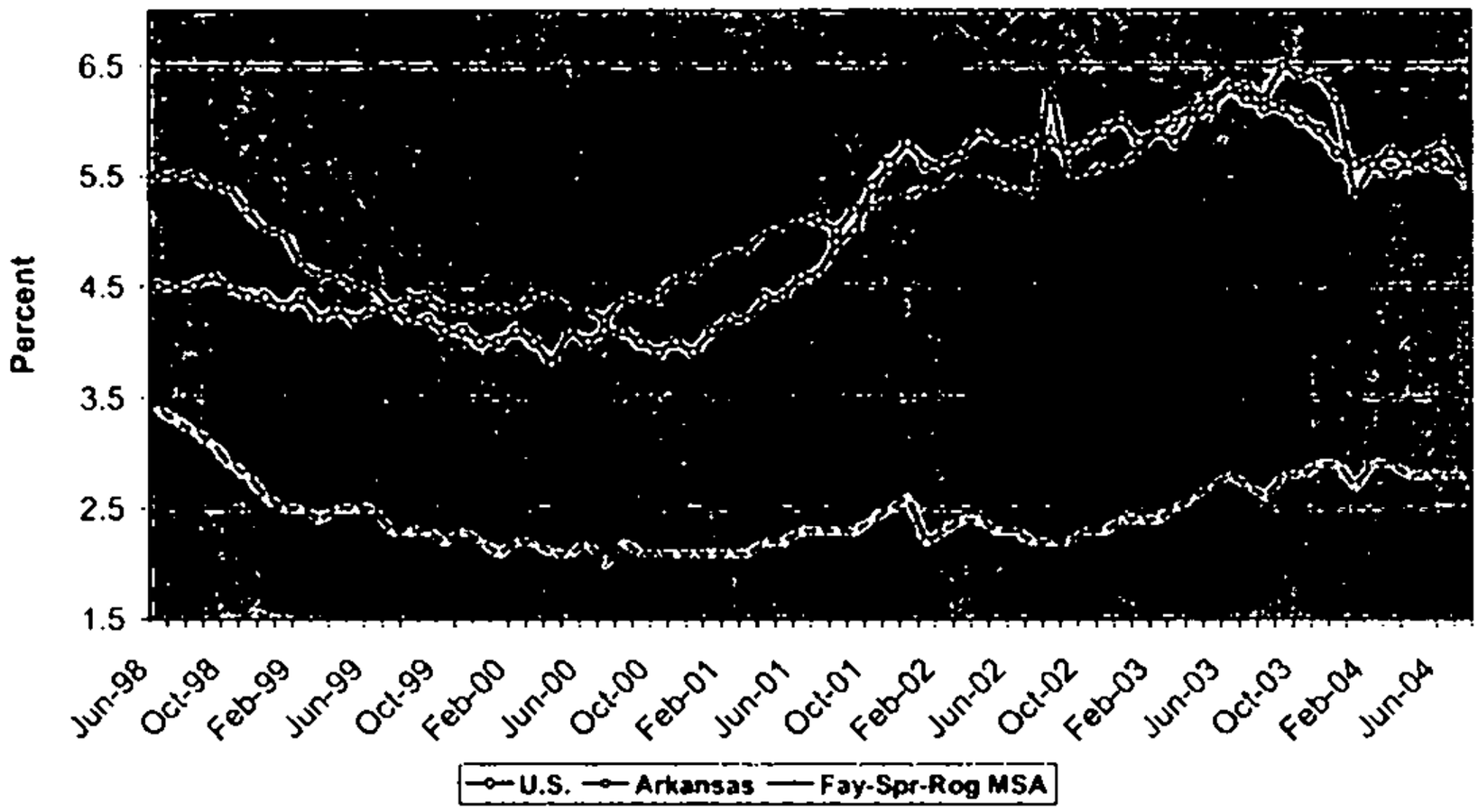
In November of 2004, the Milken Institute released an update of its "Best Performing Cities" rankings, which is intended to rank U.S. cities on two counts: leading the nation in economic performance overall and in job creation. The components of the index include job, wage and salary and technology growth. Using these criteria, the Fayetteville-Springdale-Rogers MSA ranked as the 7th regional economy in the United States.

1. Fort Myers-Cape Coral, FL (3)
2. Las Vegas, NV (2)
3. Phoenix-Mesa, AZ (43)
4. West Palm Beach-Boca Raton, FL (4)
5. Daytona Beach, FL (116)
6. Sarasota-Bradenton, FL (41)
7. **Fayetteville-Springdale-Rogers, Ark. (1)**
8. Riverside-San Bernardino, CA (20)
9. Fort Lauderdale, FL (29)
10. Monmouth-Ocean, NJ (10)

Unemployment Rate

The unemployment rates for the U.S. and for the state of Arkansas have followed the same general trend and the levels have been fairly close.The unemployment rate for the Fayetteville-Springdale-Rogers MSA has consistently been significantly lower than both. It has been at the three percent or under level since the second half of 1998.

Unemployment Rates, Seasonally Adjusted

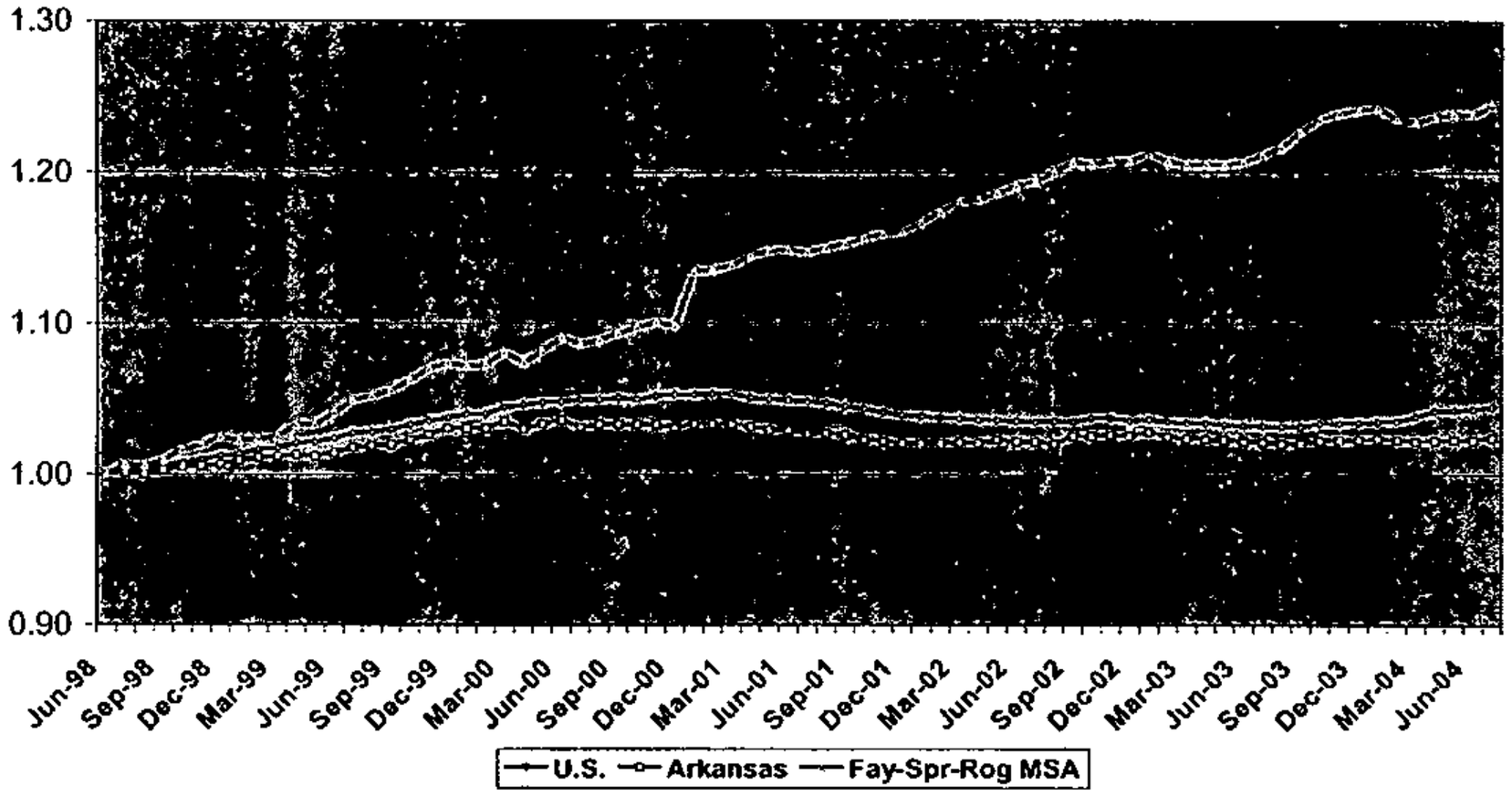


Source Bureau of Labor Statistics, Seasonal Adjustment By
UA Center for Business and Economic Research

Non-Farm Employment

The monthly establishment-based employment survey conducted by the Bureau of Labor Statistics shows that, on a seasonally adjusted basis, total non-farm employment in both the U.S. and Arkansas are at levels about 105 percent of the level in June of 1998. The Fayetteville-Springdale-Rogers MSA has experienced a noticeably larger increase in employment. Currently, the level is just about 125 percent of the level of June 1998.

Non-Farm Employment Relative to June 1998
Seasonally Adjusted

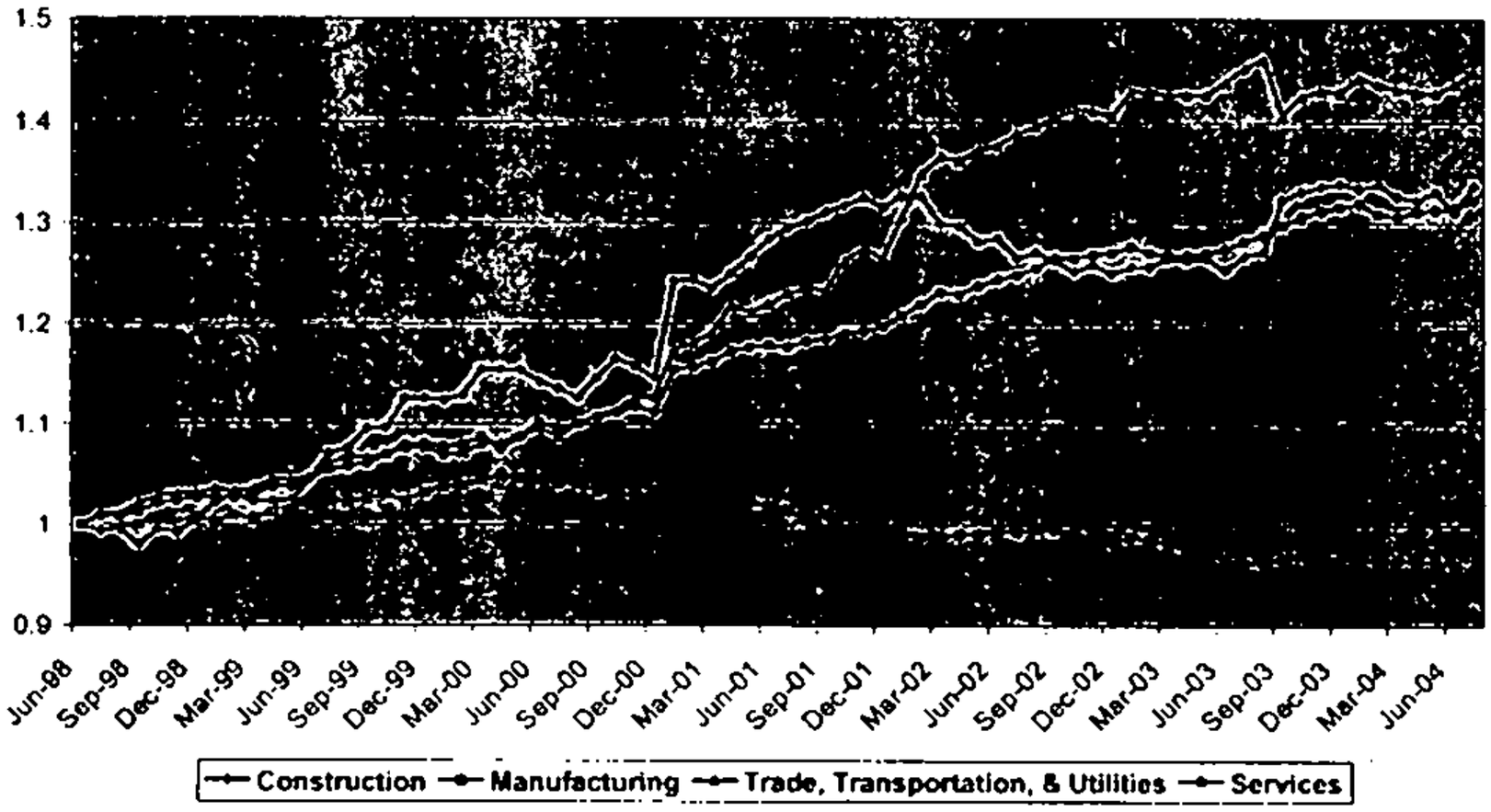


Source: Bureau of Labor Statistics, Seasonal Adjustment by
UA Center for Business and Economic Research

Sector Employment

Sector employment in the region has shown varying trends. Manufacturing employment has declined since 1998, but by a lesser amount than nationally or in the state. Construction, trade-transportation-utilities and services have shown significant gains in the past six years.

Fayetteville-Springdale-Rogers MSA Sector Employment Relative to June 1998, Seasonally Adjusted

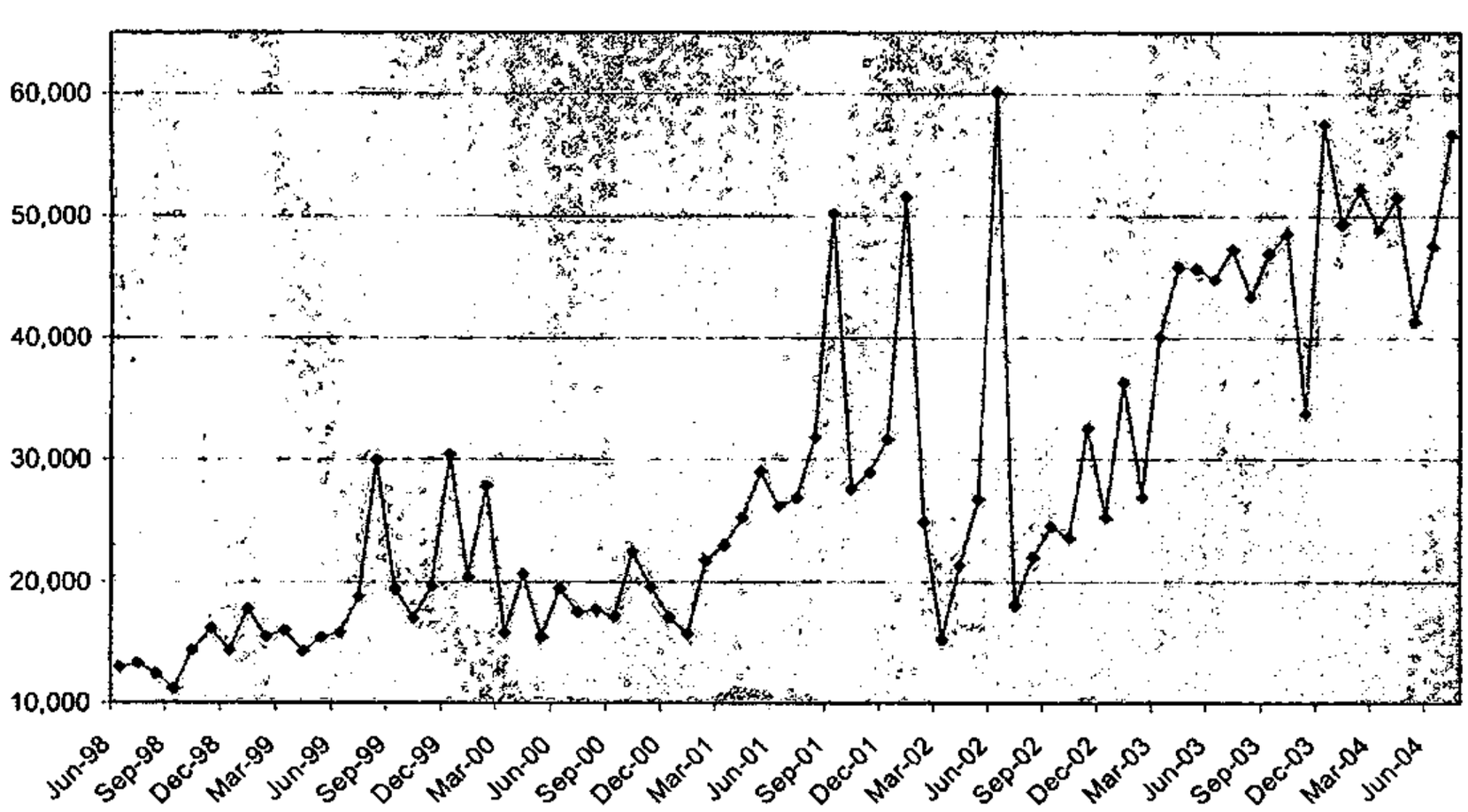


Source: Bureau of Labor Statistics, Seasonal Adjustment by UA Center for Business and Economic Research

Building Permits

While there is some monthly volatility in the monthly data compiled by the United States Census Bureau, the strong upward trend in the value of building permits in Northwest Arkansas since the Fall of 1998 is evident. Over the last two years, this growth trend has accelerated. In fact, the value of residential building permits in the area has equaled or exceeded the value of those in the Little Rock metropolitan area, an area that currently has a population almost double that of the Fayetteville-Springdale-Rogers MSA.

Fayetteville-Springdale-Rogers MSA Residential Building Permits, Seasonally Adjusted Value in $ Millions,

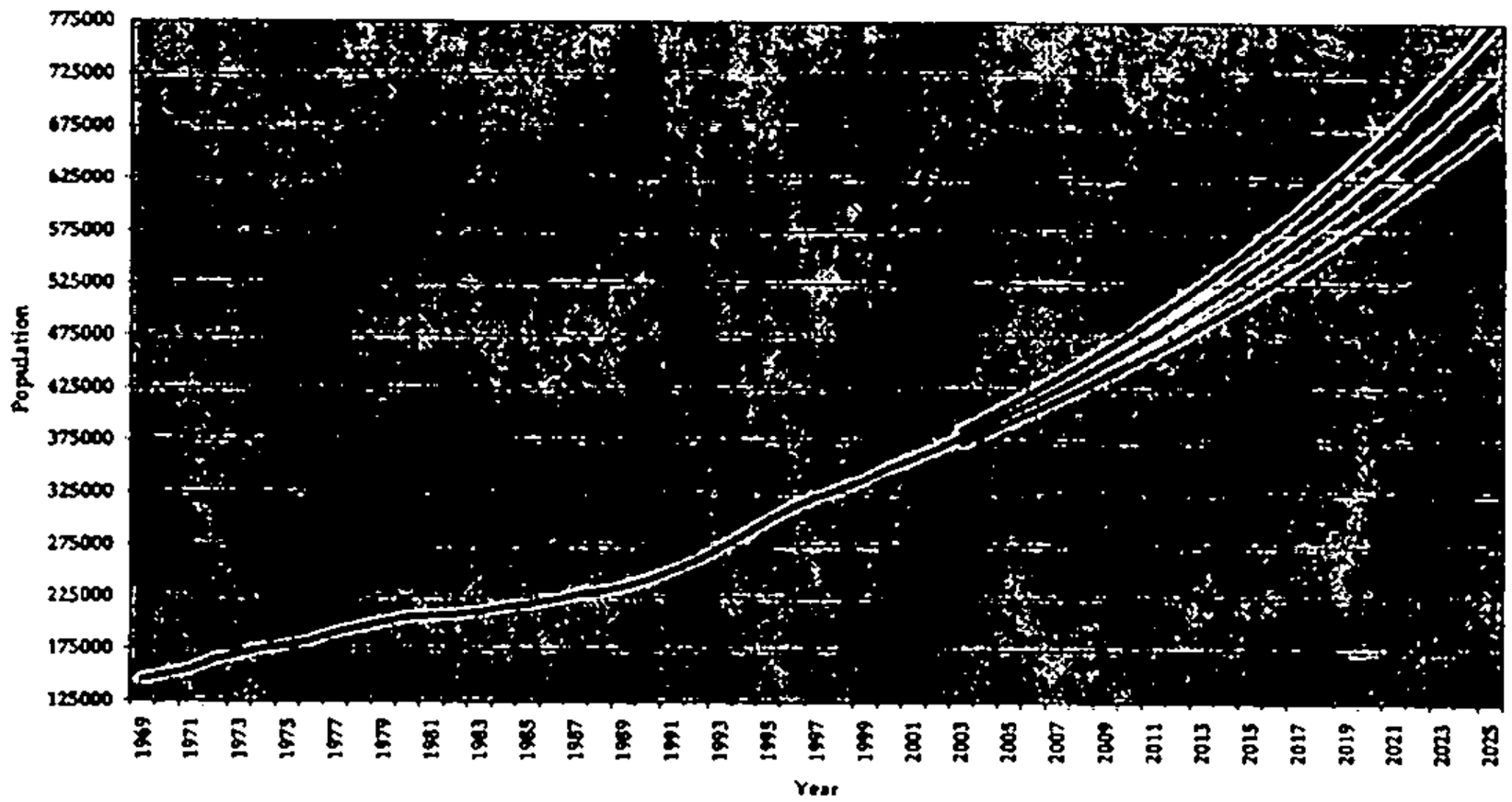


Source: Bureau of the Census, Seasonal Adjustment by UA Center for Business and Economic Research

Population Projections

In June of 2003, the Center for Business and Economic Research released updated population projections for Arkansas, its counties and its metropolitan areas. The Fayetteville-Springdale-Rogers MSA is projected to experience a doubling of its population by the year 2025.

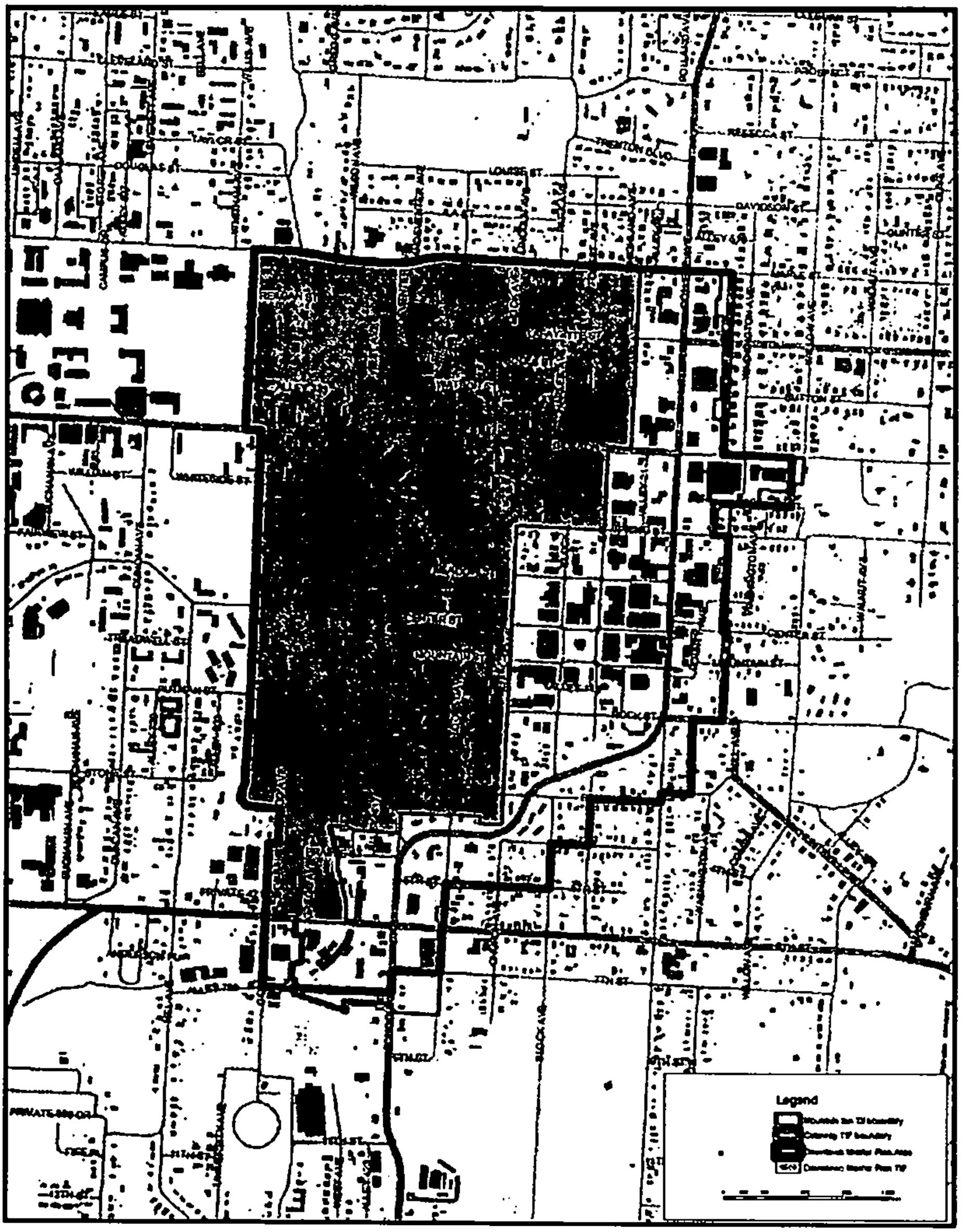
Population Projections for Fayetteville-Springdale-Rogers MSA



Sources: U.S. Census Bureau,
UA Center for Business and Economic Research

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

EXHIBIT No.7
District Map



City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

City of Fayetteville, Arkansas
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

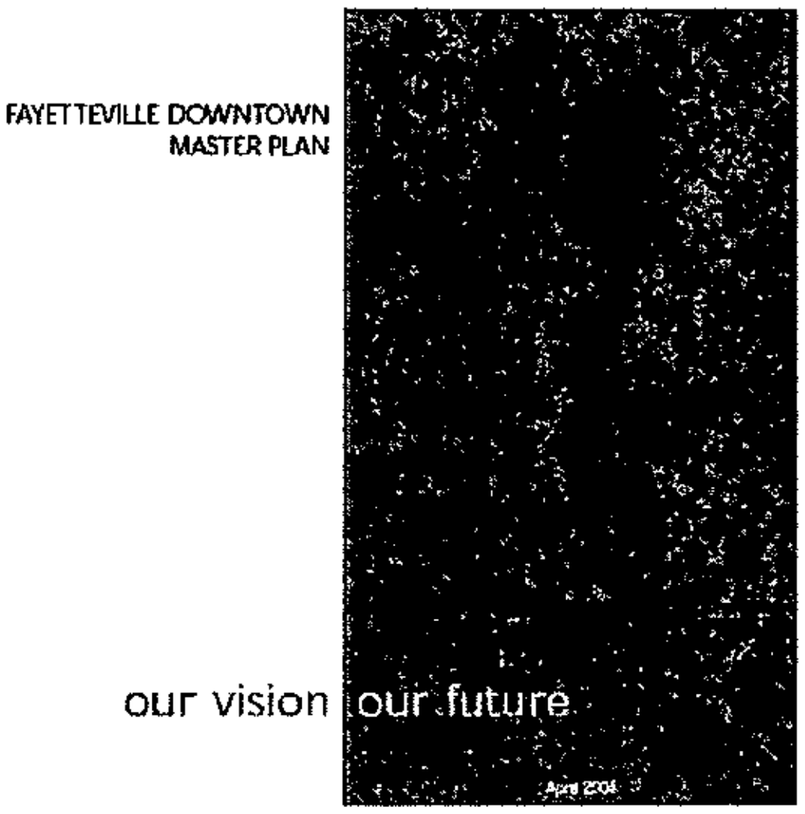


EXHIBIT No.8

Resolution Adopting the Downtown Master Plan

RESOLUTION NO. 140-04

MICROFILMED

A RESOLUTION TO ADOPT THE DOWNTOWN MASTER PLAN COMPLETED BY DOVER, KOHL & PARTNERS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Downtown Master Plan completed by Dover, Kohl & Partners and requests that implementing ordinances be prepared.

PASSED and APPROVED this 7th day of September, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

12-21-04
City Council Meeting Date

Tim Conklin	Planning and Development Mgmt.	Operations
Submitted By	Division	Department

Action Required:

Downtown Master Plan Redevelopment District Project Boundary and Project Plan public hearing and adoption of the ordinance approving the project plan and boundary.

n/a	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 12-7-04 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 12-8-04 Date

Received in City Clerk's Office

Mayor — 12/8/04 Date

Received in Mayor's Office

ENTERED

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police

DATE: December 1, 2004

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Dynasty Limousine Company

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Dynasty Limousine Company.

Background:

The council recently passed a new ordinance governing taxi and limousine companies in Fayetteville. There have been meetings with city staff, the police department and the fleet division to determine the procedure that will be used to implement the new ordinance. All current Certificates of Public Convenience and Necessity will expire on December 31, 2004.

Discussion:

Attached is a copy of Mr. Curry's application for his certificate, a copy of his liability insurance coverage, his financial statement and a copy of the ordinance.

Mr. Curry has been operating a limousine service in Fayetteville for 3 years without a certificate. Mr. Curry recently realized he needed a certificate when he read about the new ordinance in the newspaper. He immediately contacted the police department for an application.

RESOLUTION NO. _____

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DYNASTY LIMOUSINE FOR THE OPERATION OF A LIMOUSINE SERVICE WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas, in accordance with Chapter 117, Fayetteville Code of Ordinances.

PASSED and **APPROVED** this 21st day of December 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

BRICE R. CURRY — 5631 E. MISSION — 479 521-1974
Applicant Name **Address** **Phone Number**

DYNASTY LIMOUSINE — 479 236-3186
Name of Business **Phone Number**

612 N. COLLEGE AVE FAYETTEVILLE, AR. 72701
Business Location

SAME
Mailing Address

CORPORATION
Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

BRICE R. CURRY 5631 E. MISSION BLVD. FAY. AR. 72703

Name of person to whom complaints should be directed:

BRICE R. CURRY

Type of Permit Requested: **Taxicab**_____ **Limousine**✓

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

NONE

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

3 YEARS IN BUSINESS

Give any facts you believe tend to prove the necessity of granting a certificate:

AT THE PRESENT TIME WE DEAL WITH CORPORATE AND PRIVATE ACCOUNTS I AM IN THE PROCESS OF ACQUIRING A VENDORS LIC. FOR THE CHEROKEE CASINOS.

List the number of vehicles that will be under your operation or control: 4

Minimum and Maximum number of vehicles to be permitted: 4 (Minimum) 6 (Maximum)

List the location of proposed depots and terminals:

612 N. College Ave. Fayetteville, Ar. 72703

Describe the color scheme or insignia to be used to designate your vehicle:

DYNASTY LIMOUSINE

List your days and hours of operation:

7 DAYS ANYTIME

List any days you do not propose to provide taxicab service to the general public:

(NA)

List your proposed passenger rate schedule:

55.00 to 80.00 per hour

Police Department Representative **Date**

I Never received my Application when they were mailed out

THANK You Bruce Cerny

Personal Financial Statement of
Brice R. Curry
as of July 10, 2004

Birth Date: 08-27-51 **Address:** 5631 E. Mission Blvd. Fayetteville AR. 72703
Social Sec. No. 429-96-9276
Home Phone: 521-1974 **No of Dependents:** 1 **Bus. or Occupation**
Owner/Manager Curry's Inc. **Phone:** 479-521-6724

ASSETS

Cash on Hand & in Banks	26,883.07
Ameritrade On Line Account	
Policy #	983.00
Paypal Account	
Acct. #	1,100.00
Antique Coin, Currency, Silver Collection, 24K Gold	
Stamp Collection, & other Collectibles	20,435.00
Record Vinyl Collection (over 1,500 33RPM Records	
Present Market Value $4.00 to 18.00 per Record)	5,600.00
1984 BMW 745i	
(Lic. # YTW970 Serial # WBAFF8403E8402506)	600.00
1993 Chrysler LaBaron Convertiable	
(Lic.#260BYR Serial # 1C3XU5536PF500615)	1,500.00
1992 Lincoln Continental	
(Lic.#260BYR Serial # 1LNLM974XNY737435)	1,200.00
1997 Lincoln Continental Limo	
1FTDE15F6CHA61316	14,500.00
1993 Lincoln Towncar	
(Lic.# 244HWP Serial # 1LNLM83W5PY660090)	3,500.00
1997 Ford Contour	
(Lic.# None Serial # 3FALP653XVM116685)	3,900.00
TOTAL CURRENT ASSETS	96,981..00

Real Estate Owned 100% Interest Property	
Located at 2020 Baker Dr. Fayetteville, AR. 72703	98,700.00
Real Estate Owned	

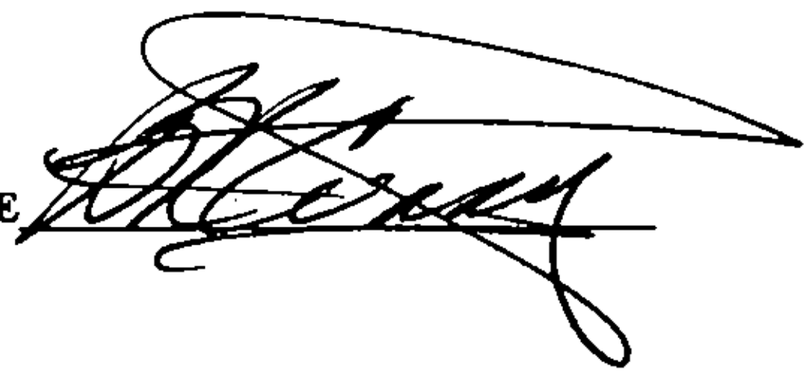
5631 E. Mission Blvd.	235,000.00
Notes & Accounts Receivable - Doubtful	
Jim Winchell	7,547.00
Paul Bunch	3,000.00
Other Securities - Not Readily Marketable	
Note Receivable Sale of Curry's Video	57,145.44
1/8th of Horizon Investments	5,693.00
100% Special Occasions (Fayetteville)	82,968.38
100% C J Technologies Inc. DBA Computer Systems	00.00
100% Special Occasions (Springdale)	00.00
Personal Property	12,500.00
TOTAL ASSETS	**599,534.82**

Personal Financial Statement of
Brice R. Curry
as of July 10, 2004

LIABILITIES

Notes Due Mortgage Homecomings Financial Note # 0434526182 Payment 584.00	74,741.94
Central States Mortgage Note # 645169192 Payment	171,000.00
Notes Due to Banks Bank of Rogers Note # 2301 Payment 1,064.43	Paid
Bank of Rogers Note # 4591 Line of Credit	22,988.33
Bank of Rogers Note # 5455 Payment 1,500.00	Paid
Bank of Rogers Note # 8740 Payment 395.41	3,093.42
Bank of Rogers Note # 6885 Line of Credit Note # 9622	42,551.13
2nd Mortgage Baker St. Payment 250.00 Approximately	3,110.00
Accounts and Bills Payable	27,635.16
Credit Cards & Personal Unpaid Taxes Due	0.00
TOTAL LIABILITIES	345,119.98
NET WORTH	**254,414.84**
TOTAL LIABILITIES & NET WORTH	**599,534.82**

Personal Financial Statement of
Brice R. Curry
as of July 10, 2004

SIGNATURE 

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 11/30/2004

PRODUCER (479)521-7800 FAX (479)521-8617
McNair & Associates
P O Box 819
Fayetteville, AR 72702-0819
Brian Yandell

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED Brice Curry
612 N College
Fayetteville, AR 72701

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: National Liability & Fire Ins. Co.	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY				EACH OCCURRENCE	$
		☐ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	$
		☐ CLAIMS MADE ☐ OCCUR				MED EXP (Any one person)	$
						PERSONAL & ADV INJURY	$
		GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE	$
		☐ POLICY ☐ PRO-JECT ☐ LOC				PRODUCTS - COMP/OP AGG	$
A		AUTOMOBILE LIABILITY	73APN282053	04/18/2004	04/18/2005	COMBINED SINGLE LIMIT (Ea accident)	$ 100,000
		☐ ANY AUTO				BODILY INJURY (Per person)	$
		☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	$
		☒ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	$
		☐ HIRED AUTOS					
		☐ NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		☐ ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	$
		☐ OCCUR ☐ CLAIMS MADE				AGGREGATE	$
							$
		☐ DEDUCTIBLE					$
		☐ RETENTION $					$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				☐ WC STATU-TORY LIMITS ☐ OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	$
		OTHER				E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

1998 Lincoln Limousine #FM811L1W3WY715460
1994 Ford Van #1FDKE37M6PHB58788
1997 Lincoln Limousine #1LNLM81W2VY687294
1992 Ford Van #1FDKE30G5NHB49775

CERTIFICATE HOLDER

Tad Scott

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Brian Yandell/PAT

©ACORD CORPORATION 1988

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

21-Dec-04
City Council Meeting Date

Frank Johnson		Police
Submitted By	Division	Department

Action Required:

Schedule a public hearing to determine if a Ceritficate Of Public Convenience and Necessity should be issued to Dynasty Limousine Service.

N/A	N/A	N/A
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	N/A	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Frank Johnson 12/1/04
Department Director Date

Previous Ordinance or Resolution # _____
Original Contract Date: _____
Original Contract Number: _____

D.J. White 12/1/2004
City Attorney Date

Received in City Clerk's Office

Ken Coody 12/03/04
Mayor Date

Received in Mayor's Office
12/2/04 P.H.

Comments:

12/1/04 Received (TLH)

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **December 22, 2004**

RE: **Passed Resolutions and Ordinances from City Council meeting of December 21, 2004**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Fayetteville Public School Homeless Program:** Resolution to congratulate the Fayetteville Senior High Student Council's Hard and Effective work to raise money for the Fayetteville Public School Homeless Program;

2. **Drug Interdiction Grant:** Resolution authorizing Fayetteville Police Dept. to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in amount of $20,000.00 to support Drug Interdiction Operations; and approving budget adjustment recognizing grant revenues;

3. **Andritz, Inc. Agreement:** Resolution to approve an agreement with Andritz, Inc. to lock in pricing of $672,157.00 for three belt filter presses by paying a security deposit of $33,607.85;

4. **TIF Bond Reimbursement:** Resolution expressing intent of City to reimburse certain expenditures of City pertaining to financing, planning, acquisition and demolition in connection with Hwy. 71 East Square Redevelopment District Project with proceeds of an issue or issues of tax-exempt bonds; and stating other matters pertaining thereto;

5. **Crews & Associates Bond Underwriter for TIF Bonds:** Resolution accepting Crews & Associates as Bond Underwriter for any tax increment financing bonds issued through December 31, 2005;

6. **Community Access Television, Inc. Contract:** Resolution to approve contract w/Community Access Television, Inc. to operate Public Access Cable Channel throughout December 31, 2005;

7. **LEECO Fire Equipment Fire Apparatus Purchase:** Resolution approving purchase of one Emergency One, Inc. replacement pumper apparatus from LEECO, Inc. in amount of $371,985.00; and approving budget adjustment in amount of $278,985.00;

8. **Meadows Enterprise, Inc. Land Swap:** Resolution approving deed from City of Fayetteville to Meadows Enterprises, Inc. for 1.95 acres to swap for similar acreage to enlarge nearby city park;

9. **2005 Proposed Annual Budget and Work Program Adoption:** Resolution adopting proposed 2005 Annual Budget and Work Program;

10. **Amend Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines:** Ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines of the Code of Fayetteville;

11. **Sensus Metering Systems Bid Waiver:** Ordinance waiving requirements of formal competitive bidding and approving purchase of ten hand-held touch-read meter reading devises w/communication accessories from Sensus Metering Systems for Meter Operations Division in amount of $41,062.50;

12. **University of Arkansas Consulting Contract:** Ordinance waiving requirements of formal competitive bidding and approving master contract w/Board of Trustees of U of A to provide City w/specific consulting and study services;

13. **ANX 04-1222:** Ordinance annexing property described in annexation petition ANX 04-1222 annexing to City certain property owned by Doris Faye Roberts located at south end of Roberts Road containing approximately 47.13 acres;

14. **RZN 04-1280:** Ordinance rezoning property described in rezoning petition RZN 04-1280 for property located on Roberts Road south of Hwy. 16 East containing approximately 47.13 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre;

15. **VAC 04-1255:** Ordinance approving VAC 04-1255 submitted by Tim Maddox for property located on east side of 2553 Ferguson Avenue as described on attached map and legal description;

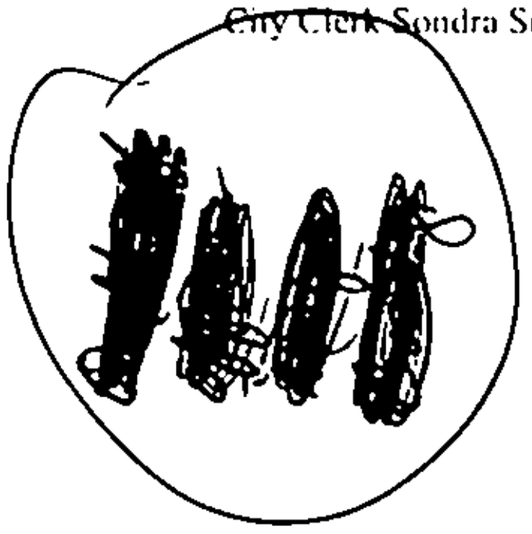
16. **VAC 04-1279:** Ordinance approving VAC 04-1279 submitted by Wyma & C.T. Pearson for an alley located at Block 3, Rosehill Addition as described on attached map and legal description;

17. **ADM 04-1303 Amend Chapter 166.04 Street Standards:** Ordinance amending Title XV: §166.04, Unified Development Code, of Fayetteville Code of Ordinances, to require city street standards for subdivisions within one mile of city limits.

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Conrad Odom
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
December 21, 2004

A meeting of the Fayetteville City Council will be held on December 21, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Call School

City Council Special Resolution Recognizing the Fayetteville High School Student Council

Nominating Committee Report ✓

A. CONSENT:

1. **Approval of the Minutes:** Approval of the December 7, 2004 City Council meeting minutes.

Add to Consent Item Check with Kit - Jim McCord

2. **Drug Interdiction Grant**: A resolution authorizing the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00 to support Drug Interdiction Operations; and approving a budget adjustment recognizing the grant revenues.

3. **Andritz, Inc. Agreement:** A resolution to approve an agreement with Andritz, Inc. to lock in pricing of $672,157.00 for three belt filter presses by paying a security deposit of $33,607.85.

4. **TIF Bond Reimbursement:** A resolution to express the City's intent to be reimbursed for its expenses in creating any and all TIF Districts from the proceeds of TIF Bonds.

New Resolution from Kit - Check to see if we have one.

5. **Crews and Associates Bond Underwriter for TIF Bonds:** A resolution accepting Crews and Associates as Bond Underwriter for any Tax Increment Financing Bonds issued through December 31, 2005.

6. **Community Access Television, Inc. Contract:** A resolution to approve a contract with Community Access Television, Inc. to operate the Public Access Cable Channel throughout 2005 for $93,000.00.

7. **LEECO Fire Equipment Fire Apparatus Purchase:** A resolution approving the purchase of one (1) Emergency One, Inc. (E-One) replacement pumper apparatus form LEECO, Inc. in the amount of $371,985.00; and approving a budget adjustment in the amount of $278,985.00.

Add to Consent

B. UNFINISHED BUSINESS

1. **2005 Proposed Annual Budget and Work Program Adoption:** A resolution adopting the proposed 2005 Annual Budget and Work Program. ***This resolution was tabled at the November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting. This resolution was tabled at the December 7, 2004 City Council meeting until the December 21, 2004 City Council meeting.***

C. NEW BUSINESS:

1. **Amend Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines**: An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines of the Code of Fayetteville.

2. **Sensus Metering Systems Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of ten (10) hand-held touch-read meter reading devices with communication accessories from Sensus Metering Systems for the Meter Operations Division in the amount of $41,062.50.

3. **University of Arkansas Consulting Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a master contract with the Board of Trustees or the University of Arkansas to provide the City of Fayetteville with specific consulting and study services.

4. **ANX 04-1222 (Doris Roberts):** An ordinance annexing that property described in annexation petition ANX 04-1222 annexing to the City of Fayetteville, Arkansas, certain property owned by Doris Faye Roberts located at the south end of Roberts Road containing approximately 47.13 acres.

5. **RZN 04-1280 (Doris Roberts):** An ordinance rezoning that property described in rezoning petition RZN 04-1280 for property located on Roberts Road south of Highway 16 East containing approximately 47.13 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

6. **VAC 04-1255 (Hanks):** An ordinance approving VAC 04-1255 submitted by Tim Maddox for property located on the east side of 2553 Ferguson Avenue as described on the attached map and legal description.

7. **VAC 04-1279 (Pearson):** An ordinance approving VAC 04-1279 submitted by Wyma & C.T. Pearson for an alley located at Block 3, Rosehill Addition as described on the attached map and legal description.

8. **ADM 04-1303 Amend Chapter 166.04 Street Standards:** An ordinance amending Title XV: §166.04, Unified Development Code, of the Fayetteville Code of Ordnances, to require city street standards for the subdivisions within one (1) mile of the city limits.

9. **Downtown Master Plan Redevelopment District:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.

10. **Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the project plan for the Downtown Master Plan Redevelopment District, finding the plan is economically feasible and authorizing the issuance of tax increment financing bonds to fund the improvements outlined in the plan.

~~11. **Dedication of Proceeds Received From The Wilson Springs Sale To Road And Infrastructure Improvements:** Information will be provided at Agenda Session.~~

D. PUBLIC HEARINGS:

1. **Dynasty Limousine; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

~~**Council Tour: December 20, 2004 - 4:30 pm**~~

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
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Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
December 21, 2004

A meeting of the Fayetteville City Council will be held on December 21, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Student
City Council Resolution Recognizing Fay. [redacted] Council

A. CONSENT:

1. **Approval of the Minutes:** Approval of the December 7, 2004 City Council meeting minutes.

2. **Drug Interdiction Grant**: A resolution authorizing the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00 to support Drug Interdiction Operations; and approving a budget adjustment recognizing the grant revenues.

B. UNFINISHED BUSINESS

1. **2005 Proposed Annual Budget and Work Program Adoption:** A resolution adopting the proposed 2005 Annual Budget and Work Program. ***This resolution was tabled at the November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting.***

[redacted] Reporting Hearing ~~Kit will bring The Tony C Title Amend~~ Taxi & Limo Ord. Amend

C. NEW BUSINESS:

1. **Sensus Metering Systems Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of ten (10) hand-held touch-read meter reading devices with communication accessories from Sensus Metering Systems for the Meter Operations Division in the amount of $41,062.50.

Consent

2. **Andritz, Inc. Agreement:** A resolution to approve an agreement with Andritz, Inc. to lock in pricing of $672,157.00 for three belt filter presses by paying a security deposit of $33,607.85.

Consent — waiting

3. **University of Arkansas Consulting Contract:** ~~No Info.~~ No Info Kit will rewrite Ord.

Consent

4. **TIF Bond Reimbursement:** A resolution to express the City's intent to be reimbursed for its expenses in creating any and all TIF Districts from the proceeds of TIF Bonds.

Consent

5. **Crews and Associates Bond Underwriter for TIF Bonds:** A resolution accepting Crews and Associates as Bond Underwriter for any Tax Increment Financing Bonds issued through December 31, 2005.

Consent

6. **Community Access Television, Inc. Contract:** A resolution to approve a contract with Community Access Television, Inc. to operate the Public Access Cable Channel throughout 2005 for $93,000.00.

Consent

7. **LEECO Fire Equipment Fire Apparatus Purchase:** A resolution approving the purchase of one (1) emergency one, Inc. (E-One) replacement pumper apparatus form LEECO, Inc. in the amount of $371,985.00; and approving a budget adjustment in the amount of $278,985.00.

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Do not wait Get Ord. from David

12. **ADM 04-1303 Amend Chapter 166.04 Street Standards: No Ordinance**

Boundary

13. **Downtown Master Plan Redevelopment District Project Boundary and Plan: no info**

Q Separate Items

Project Plan

D. PUBLIC HEARINGS:

1. **Dynasty Limousine; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: December 20, 2004 – 4:30 pm

Special Meeting before Agenda Session to ~~Reconsider~~ Reconsider Millage.

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Call to Order

Roll Call

Pledge of Allegiance

A. CONSENT:

1. **Approval of the Minutes:** Approval of the December 7, 2004 City Council meeting minutes.

Take off

X 2. **Associated Time & Parking Controls, Inc. Bid Award**: A resolution awarding Bid #04-81 and approving a contract with Associated Time & Parking Controls, Inc. in the amount of $49,735.00 for parking gates, card reader equipment and related software for downtown parking lots; and approving a budget adjustment in the amount of $50,000.00.

✓ 3. **Drug Interdiction Grant**: A resolution authorizing the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of $20,000.00 to support Drug Interdiction Operations; and approving a budget adjustment recognizing the grant revenues.

B. UNFINISHED BUSINESS

C. NEW BUSINESS:

1. **Sensus Metering Systems Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of ten (10) hand-held touch-read meter reading devices with communication accessories from Sensus Metering Systems for the Meter Operations Division in the amount of $41,062.50.

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12. **ADM 04-1303 Amend Chapter 166.04 Street Standards:**

13. **Downtown Master Plan Redevelopment District Project Boundary and Plan:**

D. PUBLIC HEARINGS:

1. **Dynasty Limousine; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas.

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Council Tour: December 20, 2004 – 4:30 pm